

ACTION REPORT

BOARD OF MEDICAL QUALITY ASSURANCE

No. 7 - May 1978

CORRECTION

Re: Warren Davoll, M.D. (San Pedro) and Martin Doyne, M.D. (Los Angeles)

The disciplinary summary relating to Dr. Davoll and Dr. Doyne that appeared in Action Report No. 6 (Jan. 1978) contains erroneous information that needs correcting. Retracted now as being incorrect and untrue is that portion of the summary that describes the offense as follows:

"Commission of an act involving dishonesty, submitting false claims in Medi-Cal program."

The correct summary is the stipulation appearing in the stipulated settlement of the case that reads:

"It is further stipulated that respondents' violations of Sections 2360 and 2361(e) of the Business and Professions Code were committed without actual dishonesty or corruption, and occurred by reason of ignorance and negligence, rather than from an intent to defraud the California Medical Assistance Program."

Discipline imposed remains unchanged: Suspended 30 days, stayed, two years probation with terms and conditions.

IMMUNITY FROM LIABILITY

Physicians are reluctant to report cases of alleged medical misconduct or incompetence to the Board because of either possible libel suits or judgments that may result from such reporting.

As provided for in Civil Code Section 43.8 ("Immunity from liability for communication on evaluation of practitioner of healing arts"), "there shall be no monetary liability . . ." "and no cause of action for damages shall arise against any person" for reporting information to the Board relating to the "qualifications, fitness or character" of a physician. Even if the report proves to be in error, the immunity protection applies, provided the report "does not represent as true any matter not reasonably believed to be true." This part is substantially similar to the immunity statutes of other states giving protection to any person who files a report "in good faith and without malice."

The risk for reporting an errant physician is minimal. Many physicians are unaware that state law provides and grants the physician immunity for reporting such instances.

The following is found in the AMA's Judicial Council on Medical Ethics. "A physician should expose, without fear or favor, incompetent, corrupt, dishonest or unethical conduct on the part of members of the profession. A doctor who does not report incompetent acts to the Medical Society or the state licensing agency—is considered unethical himself."

With this information in mind, the physician should not feel reluctant to report unprofessional conduct such as negligence, incompetence, drug abuse, alcoholism and mental and/or physical illness to the Medical Board. In matters dealing with fee disputes or ethics, the report should be directed to the County Medical Society.

TRIPPLICATE PRESCRIPTIONS FOR SCHEDULE II DRUGS

In the Guidebook to Laws Governing the Practice of Medicine by Physicians and Surgeons, please note the following clarification.

On page 20, 5.2 SCHEDULES OF CONTROLLED DRUGS, part B. Schedule II Substances—*California law requires triplicate prescriptions only for those drugs classified as narcotic drugs in Schedule II.* The non-narcotic drugs in Schedule II *do not* require triplicate prescriptions. Examples of Schedule II non-narcotic drugs which *do not* require triplicate prescriptions are amphetamines and methamphetamines Preludin, Ritalin, Amo-Pento and Secobarbital and Quaalude.

SUPERVISING PHYSICIANS' ASSISTANTS

Supervising a Physician's Assistant without the prior approval of the Board of Medical Quality Assurance is grounds for disciplinary action. If your Physician's Assistant is being supervised by other physicians, these physicians must have BMQA approval to supervise Physicians' Assistants. This includes partners in a group practice or any physicians who may cover for you when you are away from the office. For more information about this program, contact Evon Dixon at (916) 920-6373 or write the Physicians' Assistants Examining Committee at 1430 Howe Avenue, Sacramento, California 95825.

DISCIPLINARY ACTIONS 11/1/77-1/31/78

Abramson, Morris, M.D. (A-27077)—Los Angeles
2399.5 B & P Code
Prescribing drugs without a good faith prior examination or medical indication.
Revoked, stayed, 5 years probation with terms and conditions.
January 30, 1978

Adams, Alan, M.D. (A-5993)—Beverly Hills
2399.5, 2384, B & P Code
Conviction of violation of statutes regulating controlled drugs, prescribing drugs without a good faith prior examination or medical indication.
Revoked, stayed, 5 years probation with terms and conditions.
November 30, 1977

Basford, Richard L. M.D. (G-14642)—San Francisco
2392, 2372, 2361(a), 2141, 2399.5, 2391.5, 2399, 650, 652 B & P Code
Aiding and abetting unlicensed practice of medicine, violation of statutes regulating controlled drugs, employment of cappers in procuring practice, prescribing drugs without a good faith prior examination.
Suspended 1 year, stayed, 3 years probation with terms and conditions.
January 10, 1978

Brown, John R., M.D. (A-13032)—Los Angeles
2361(a)(b)(d), 2411, 2399, 2393, 2372, 125(b), 2361.5 B & P Code
Gross negligence and incompetency in transexual surgeries and plastic surgeries; aiding business manager in unlawful practice of medicine; employing agent to steer business; excessive treatments; false statements in insurance claim.
Revoked
December 20, 1977

Carey, Wesley, M.D. (A-26895)—Hayward
2372, 2361(f), 2391.5, 2399.5 B & P Code
Violation of probation imposed February 18, 1977, failure to comply with laws, prescribing drugs without a good faith prior examination or medical indication, commission of acts involving moral turpitude and dishonesty, failure to surrender narcotic permit.
Revoked.
December 7, 1977

Caskie, Judith, Physical Therapist (PT-5887)—Redding
2660(x), 2602, 2609, 2361(e) B & P Code
Commission of an act involving moral turpitude or dishonesty, altering prescriptions.
Revoked, stayed, 1 year probation with terms and conditions.
December 21, 1977

Challburg, Norman L., M.D. (G-13379)—Sacramento
2391.5, 2383, 2384 B & P Code
Failure to maintain proper records of disposition of controlled drugs, violation of statutes regulating controlled drugs.
License suspended 1 year, stayed, 5 years probation with terms and conditions.
January 10, 1978

Conway, Craig, (Speech Pathologist) (Sp-743)—Soquel
Voluntary surrender of license due to medical condition.

Culp, John H., M.D. (G-10179)—South Carolina
2360, 2411 B & P Code
Falsifying hospital record after death of patient.
Revoked, stayed, 3 years probation with terms and conditions.
January 20, 1978

Dennis, Joseph W., M.D. (C-15289)—Rubidoux
2417 B & P Code
Mental illness to such an extent as to affect his ability to practice medicine safely.
Revoked.
November 30, 1977

Ettinghausen, Nial, (Drugless Practitioner) (BB-342)—South Gate
2141, 2138, 2394, 2142, 2409, 2361(a) B & P Code
Practicing outside the limits of his DP license; unlicensed practice of medicine in treatment of an obstetrical patient.
Revoked, stayed, 3 years probation with terms and conditions.
November 30, 1977

Feinstein, Jeffrey (Speech Pathologist) (SP-840)—Rohnert Park
2532(a), 2533 B & P Code
False billing for pediatric audio evaluations while not licensed to perform said evaluations, false certifications regarding referring physician on speech therapy claims.
Revoked
November 21, 1977

Fennel, Peter J., M.D. (G-14302)—Las Vegas, NV
2363 B & P Code
Disciplinary action taken by another state, self administration of drugs, in Nevada.
Revoked, stayed, probation with terms and conditions.
December 7, 1977

Foster, William T., M.D. (G-11728)—Willits
2384 B & P Code
Conviction of violation of statutes regulating controlled drugs.
Revoked, stayed, 5 years probation with terms and conditions.
January 25, 1978

Francis, Howard A., M.D. (A-13225)—Hanford
2361.5, 2399.5 B & P Code
Excessive prescribing, prescribing without a good faith prior exam or medical indication.
Revoked, stayed, 90 days suspension, 5 years probation with terms and conditions.
January 20, 1978

Gray, Richard, M.D. (A-28504)—Grass Valley
2361.5, 2391, 2391.5 B & P Code
Excessive prescribing, prescribing to an addict, violation of statutes regulating controlled drugs.
Revoked, stayed, 6 months suspension, 10 years probation with terms and conditions.
January 20, 1978

Haley, Raphael Ross, M.D. (C-29460)—La Puente
Violation of probation
Failure to engage in continuing education, failure to commence psychotherapy, failure to practice in a structured environment.
Revoked.
January 10, 1978

Henning, Donald, M.D. (G-14164)—San Bruno
2361(e), 2361(f) B & P Code
Sexual acts with minor females.
Revoked, stayed, 10 years probation with terms and conditions.
December 9, 1977

Jackson, Sidney, M.D. (G-2323)—Union City
2361(b), 2361(c), 2372 B & P Code
Gross negligence and incompetence in pre and post-operative care of patient, gross negligence and incompetence in treatment of nursing home patient.
Revoked, stayed, 2 years probation with terms and conditions.
November 9, 1977

Kwong, Owen, M.D. (C-17257)—Los Angeles
2383, 2391.5, 2399.5, 2361(e) B & P Code
Prescribing drugs without a good faith prior examination or medical indication, conviction of an offense involving moral turpitude, violation of statutes regulating controlled substances, submitting false claims to Medi-Cal.
Revoked.
January 10, 1978

Ladner, Calvin N., M.D. (G-13449)—Mission Hills
2384, 2391.5 B & P Code
Conviction of violations of statutes regulating controlled drugs, writing false prescriptions.
Revoked.
November 30, 1977

Lerner, Lawrence, M.D. (G-21182)—Chicago, IL
2391.5 B & P Code
Violation of statutes regulating controlled drugs.
Revoked, stayed, 10 years probation with terms and conditions.
January 30, 1978

- Liechti, Werner, M.D.** (C-21317) --Oakland
2361.5, 2361(c) B & P Code
Conviction of violation of statutes regulating controlled drugs, prescribing drugs without a legitimate medical purpose, excessive prescribing of drugs.
Revoked.
November 9, 1977
- Loiacono, Felix, M.D.** (C-35548)--Chico
2361(f), 2383, 2361 B & P Code
Conviction of a crime involving moral turpitude, unlawfully prescribing secondal, revocation of license in another state.
Revoked, stayed, 5 years probation with terms and conditions.
January 10, 1978
- Mandell, Arnold, M.D.** (C-21333)--La Jolla
2361.5 B & P Code
Clearly excessive prescribing of controlled drugs.
Revoked, stayed, 5 years probation with terms and conditions.
November 30, 1977
- Marinoff, Raymond, M.D.** (A-15146)--Oakland
2384, 2391.5, 2399.5 B & P Code
Conviction of violation of statutes regulating controlled drugs, prescribing drugs without a good faith prior examination or medical indication.
Revoked.
December 21, 1977
- Marchus, Donald, B., M.D.** (A-5736)--Napa
2361, Violation of probation
Violated probation condition prohibiting prescriptions for controlled drugs.
Revoked.
January 25, 1978
- McMains, Donald, M.D.** (A-27797)--Firebaugh
2390, 2435 B & P Code
Under the influence of alcohol while in actual attendance of patients to such an extent as to impair his ability to conduct with safety the practice of medicine.
Revoked, stayed, 10 years probation with terms and conditions.
December 7, 1977
- Mellor, Wendell John, M.D.** (C-9112) --Hollywood
2372, 2391.5, 2399.5, 2383 B & P Code
Conviction of offense involving moral turpitude (drugs), prescribing drugs without a good faith prior exam or medical indication, violation of statutes regulating controlled drugs.
Suspended 6 months, stayed, 2 years probation with terms and conditions.
January 25, 1978
- Myers, Fred, M.D.** (A-15375) --Willits
2391.5, 2384 B & P Code
Conviction of violation of statutes regulating controlled drugs, prescribing drugs to persons not under treatment for pathology.
Revoked, stayed, 5 years probation with terms and conditions.
November 4, 1977
- Orrock, Pat, M.D.** (G-15826)--Brea
2361(a), 2373, 2142, 10 B & P Code
Practicing medicine with a suspended license.
Probation Revoked.
January 10, 1978
- Petway, Malcolm, M.D.** (C-28526)--Little Rock, AR
2361(c) B & P Code
Gross incompetence in surgical treatment of patients for transurethral resection.
Revoked.
December 7, 1977
- Prendergast, Louis J., M.D.** (C-16919)--Fresno
2390 B & P Code
Intoxicated to the extent as to affect his ability to conduct with safety the practice of medicine.
Revoked, stayed, 6 months suspension, 10 years probation with terms and conditions.
January 30, 1978
- Reaser, Paul, B., M.D.** (C-24530)--Alhambra
2361(a), 2391.5 B & P Code
Violation of statutes regulating controlled substances.
Revoked, stayed, 1 year suspension, 10 years probation with terms and conditions.
January 25, 1978
- Rees, Robert, Podiatrist** (E-648) --Culver City
2361(c), 2383 B & P Code
Conviction of criminal offense, solicitation of another to commit the commission of bribery.
Public Reprimand
December 9, 1977
- Reimer, Frank, M.D.** (A-12056) --Patterson
2361(b), 2361(c) B & P Code
Gross negligence and incompetence in treatment of obstetrical patient.
Suspended 6 months, stayed, 5 years probation with terms and conditions.
November 9, 1977
- Scotti, Richard Joseph, M.D.** (G-21380)--Santa Cruz
2361(b), 2372, 2361(c), 2361.5 B & P Code
Gross negligence in performing an abortion resulting in patient's death, gross negligence and incompetence in performing female circumcisions, clearly excessive treatment detrimental to patient.
Revoked.
January 30, 1978
- Solomon, Seymour, M., M.D.** (G-12503)--San Francisco
2384, 2391.5 B & P Code
Conviction of violating statutes regulating narcotics.
Revoked.
January 10, 1978
- Stolman, Emanuel, M.D.** (A-14999)--San Bernardino
2383 B & P Code
Conviction of an offense involving moral turpitude, presenting fraudulent claims for payment.
Revoked, stayed, 2 years probation with terms and conditions.
January 25, 1978
- Wilson, John C., M.D.** (AO-5991)--San Jose
2391.5, 2399.5 B & P Code
Prescribing drugs without a good faith prior examination or medical indication.
Revoked, stayed, 30 days suspension, 10 years probation with terms and conditions.
November 30, 1977

ANTI-CONVULSANT DRUGS

Dr. Michael Stein, Walnut Creek, California, sent the following letter to BMQA:

Dear Sirs:

I recently received the January 1978 "Action Report" and was interested to read the section on "Drugs—Duty to Warn". As a neurologist I noted your extensive list of sedative-hypnotics omitted any mention of anti-convulsant drugs. Certainly these medicines, when taken alone or with alcohol, may impair a person's ability to drive a motor vehicle or operate machinery. One of these drugs, Phenytoin, in fact when taken in excessive amounts can produce symptoms practically indistinguishable from alcohol intoxication. I suggest that your list be expanded to include the following medicines in List I:

- Phenytoin (Dilantin)
- Carbamazepine (Tegretol)
- Mephentoin (Mesantoin)
- Valproic Acid (Depakene)
- Ethotoin (Peganone)
- Methsuximide (Celontin)
- Ethosuximide (Zarontin)
- Phensuximide (Milontin)
- Paramethadione (Paradione)
- Trimethadione (Tridione)
- Primidone (Mysoline)

In addition, for some reason you omitted Diazepam (Valium), Lorazepam (Ativan), Clorazepam (Tranxene), and Prazepam (Verstran). These are widely prescribed and unquestionably act synergistically with alcohol.

Sincerely yours,
/S/ Michael Stein, M.D.

Such suggestions are appreciated and welcome. Thank you, Dr. Stein.

TESTING FOR COLORECTAL CANCER

The current rate of new cases of colorectal cancers ranges from 34.4 to 45.1 cases per 100,000 population. In a recent survey testing 9,747 patients by the hemocult method, the actual detection rate was five times that expected, signifying that hemocult testing is indeed a productive method in identifying cases of colorectal cancer.

Improved surgical techniques, radiation therapy and chemotherapy are of little benefit if the patient has regional or distal metastasis at the time of the initial diagnosis.

The American Cancer Society has endorsed hemocults as a form of early cancer detection, and it seems reasonable that hemocult testing should become part of routine office practice (Ca-A Cancer Journal for Clinicians, November, December 1977, Vol. 27, No. 6).

NEW APPOINTMENTS TO BMQA

Dr. Allan D. Axelrad, a psychiatrist in private practice in Sacramento, has been appointed to the Division of Medical Quality. He replaces Dr. Michael Geokas of Walnut Creek. Prior to entering private practice, Dr. Axelrad was Chief of Mental Hygiene for the Seventh Army in Monterey and U.S. Army staff psychiatrist at Walter Reed Army Medical Center. His term expires June 1, 1979.

Dr. Marc Babitz of Sebastopol, California has been appointed to the Division of Allied Health. Dr. Babitz is a physician specializing in family practice with the National Health Service Corps of the United States Public Health Service based at the Russian River Health Center in Guerneville. He replaces Dr. Barry Warshaw who moved to another position on the Board. Dr. Babitz' term expires June 1, 1978.

CONTINUING EDUCATION

Physicians' continuing education report forms are currently being processed by staff of the Board of Medical Quality Assurance. Written acknowledgment that the Board has received a given physician's continuing education report and/or confirmation of the number of approved hours of continuing education are *not* being sent to physicians. Those physicians who have not reported a minimum of 25 hours of continuing education credit, however, *are* being advised in writing that they must complete a total of 75 hours of approved continuing education credit by 1980.

LICENSE RENEWAL

Despite public notification of the requirement by California law for physicians to advise the Division of Licensing of the Board of Medical Quality Assurance of address changes, the recent license renewal program disclosed that hundreds of physicians did, in fact, change addresses without notifying the Division. As a result, the processing of their renewal applications was delayed, and, in some cases, additional fees were assessed in the form of delinquency charges.

Section 1302 of the California Administrative Code states:

Each person holding a certificate, license, certificate of registration, permit or any other authority issued by the Board of Medical Quality Assurance shall file his or her proper and current mailing address with the Board in its principal office, and shall immediately notify the Board at its office of any and all changes of mailing address, giving both the old and new address.

Physicians who have not received a renewed license, should contact the Division immediately by telephoning (916) 920-6343.

DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF MEDICAL QUALITY ASSURANCE
1430 HOWE AVENUE
SACRAMENTO, CA 95825

Allied Health Professions (916) 920-6373
Applications and Examinations (916) 920-6411
Continuing Education (916) 920-6411
Disciplinary Information (916) 920-6363
Fictitious Names and Corporations (916) 920-6411
Verifications of Licenses (916) 920-6343

