

ACTION

Medical Board of California

REPORT

California Department of Consumer Affairs

Vol. 43, June 1991

Building a Better Board in 1991

by John Tsao, M.D., MBC President



Medical quality needs and expectations in California are growing rapidly. The Board must grow with these needs to be effective. This year the Board is committed to strengthening the enforcement program, building better working relationships with the allied

health committees and boards, as well as enhancing the public's awareness about the Board's activities and accomplishments.

We began the year with specific goals of our own, new legislative mandates, and some continuing "old" business. Most importantly, we want to build on the momentum that began last year with the elimination of the investigation backlog and the reduction of investigation caseloads.

WORKING WITHIN THE PRESENT SYSTEM

Strengthening the enforcement program is a primary goal. Several provisions of SB 2375 (Presley) have enhanced the Board's authority in medical investigations. We are working diligently to implementing them successfully.

To have a strong enforcement program, we must have a stable, quality investigation staff. In order to recruit the finest candidates and maintain our current staff, we have continued to solicit approval of our enforcement job classification and salary upgrade. I am pleased to announce that the State Personnel Board has agreed to our proposal and our investigators have finally received the pay raise they deserve.

To further improve the Board's effectiveness, we are also working to improve our relationships with the allied health boards and committees. These boards are in need of our support, particularly in the areas of budget requests, legislation and public information resources. To

that end, Board members and staff have been meeting with them to determine how we can be of greater assistance.

In order to improve the public's awareness of the Board's activities, we have hired our first Public Information Officer. This year you can expect to see improved publications and information materials, greater press coverage of the Board's accomplishments, and a Speakers' Bureau to provide a vehicle for outreach to civic and professional organizations.

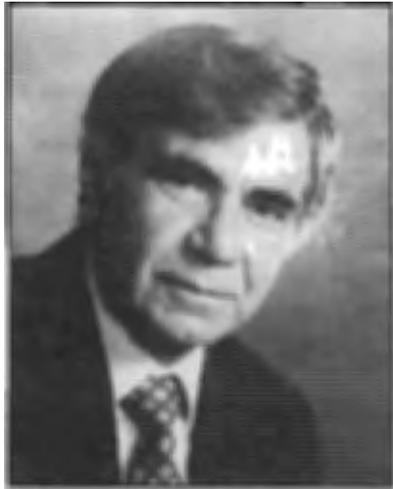
WORKING TO IMPROVE THE SYSTEM

Though many improvements in the current system have already been accomplished, I believe there are further changes needed to make the Board more responsive and efficient. If we are to handle the increased workload and expectations, more resources and legal tools are required. I would hope that this year we could count on the Legislature, as well as the professional associations, to support us in our efforts to improve the system. Here's what is needed:

(continued, page 2)



The Board's Newest Member



Governor George Deukmejian's last appointment to the Medical Board was Dr. Haig Mahdessian. Dr. Mahdessian is an anesthesiologist who has been in private practice since 1960, serving patients at St. John's Hospital in Santa Monica.

The doctor received his medical education at the University of Milan, graduating Magna Cum Laude, and practiced in Italy until he immigrated to this country in 1955. He performed his internship in New York and received his California physician's license in 1957.

Although the doctor's accomplishments are many, and he is an active member of the California Medical Association, Los Angeles Medical Association, and California Society of Anesthesiologists, he insists he prefers to be known as the doctor with the nice smile.

Dr. Mahdessian was appointed in September 1990 and his term will extend to June 1994. He will serve on the Division of Licensing.

Better Board (continued from page 1)

- Legislation to improve the Board's own authority to immediately suspend a dangerous doctor. (SB 2375 created this authority, but its provisions are more cumbersome than obtaining a temporary restraining order from Superior Court.)
- Legislation to give priority to the Board's requests for medical records, limiting the allowable response time and establishing sanctions for noncompliance.
- Passage of SB 2528 (Ayala) or successor legislation that would include our Board's investigators in the undercover recording law. This would allow Board investigators to wear an undercover "wire" when authorized by the Attorney General while conducting investigations, primarily involving drugs.
- Added resources for the Attorney General's Health Quality Enforcement Section and Office of Administrative Hearing. The Attorney General's office now has over 700 of our cases awaiting action. Our increased efforts will have absolutely no benefit if the AG does not have the necessary resources to handle the increased workload.
- Sections 2292 and 2293 of the Business and Professions Code should be amended to give the Board broader authority to order a competency exam in cases involving a single incident of incompetence, regardless of whether patient harm resulted.
- Improved access for the Medical Board to physician's records to check for patterns of poor care in cases

where a patient's complaint or other information raises significant medical quality concerns.

- Develop a caseload analysis to determine what the optimum average caseload should be for our investigators and reduce the average caseload to that level.

Fulfilling all of these goals is an awesome task for one year, yet all of them are obtainable. It will require strong commitment and support from board members and hard work from staff, but these represent significant improvements that are well worth the extra effort.

1991 will be a busy year! We will be moving forward with improvements that are needed to further ensure California's high standard of medical quality. I am ready to meet these challenges, and I am looking forward to the support and contributions of the board and staff to accomplish these goals. ♦

*Medical Board
meetings are open
to the public.....*

The next meeting will be in San Francisco, September 12th & 13th. The Board will meet in San Diego on November 21st & 22nd. Call (916) 920-6393 for complete information.

Prescribing for Chronic Pain

By David A. Verhaag, M.D. and Richard Ikeda, M.D.



Physicians who prescribe opiates to patients suffering from chronic pain should not fear disciplinary action from the Medical Board if they conscientiously apply sound clinical judgement and follow proper procedure.

Most patients can be adequately worked-up by their own physician. If chronic pain still remains a puzzle, the patient may be referred to pain experts or recognized pain centers for further studies. The Medical Board has always recognized that there is a small subset of patients who fall under the category of chronic intractable pain. These relatively few patients may be treated with appropriate modalities, including opiates.

A recently enacted legislative bill¹ specifically protects doctors who prescribe controlled substances to patients with intractable pain if certain good faith conditions are met.

In 1985 the California Medical Association and BMQA (Medical Board of California), formed a task force and produced "Guidelines for Prescribing Controlled Substances for Chronic Conditions, a joint statement by the BMQA and the CMA²". The opening remarks of this statement are still pertinent:

".....Prescribing drugs, particularly controlled substances, requires the thoughtful application of clinical judgment. In the practice of medicine, physicians are often confronted with difficult situations - particularly in the treatment of chronic conditions involving pain, insomnia, anxiety or depression - that require carefully balanced judgment as to whether, when and where prescription of controlled substances is appropriate."

Under this directive, the following specific guidelines were developed to be used in context of a comprehensive treatment plan:

1. History and medical examination.

A diagnostic examination and an adequate medical history must be performed to establish a diagnosis and treatment plan.

2. Diagnosis/medical indication.

A working diagnosis must be delineated, which includes the presence of a recognized medical indication for the use of any treatment or medication.

3. Written treatment plan with recorded measurable objectives.

The plan should have clearly stated, measurable objectives and give indication of further planned diagnostic evaluation and alternative treatments.

Judicious use of treatment and medication prevents overuse and minimizes iatrogenic addiction problems.

4. Informed consent.

Discussions of risks and benefits should be recorded in the patient record.

5. Periodic reviews and modifications indicated.

At these times, the physician should consider the development of any new information. It is at this time the physician should consider and document appropriateness of continued treatment or the trial of other modalities if the patient has not improved. It is also mandatory to diligently reassess the patient to exclude treatable causes of the symptoms.

6. Consultation.

Today there is an abundance of solid expertise. As the patient's primary advocate, the doctor should be knowledgeable and competent in referring them to the appropriate expert. Consultation reports should become part of the patient's medical record.

7. Records.

The physician should keep accurate and complete records documenting the dates and clinical findings for all evaluations, consultations, treatments, medications and patient instructions. It is particularly important for that small subset of patients who are diagnosed as having chronic intractable pain.

Patients with chronic pain from obvious reasons, such as those recovering from radiation or those with organic damage may be treated with opiates on a daily basis. Judicious use has kept these patients functioning with little problem from addiction.

A review of 50 to 60 doctors disciplined in 1990 by the Medical Board for inappropriate prescribing show that they all fall within the classifications developed by Wesson and Smith.³ The "4Ds," originally presented by Dr. Smith in 1980 at the White house conference on prescription drug abuse:

Dishonest physicians who use their medical licenses to deal in drugs. They represent a criminal element in medicine.

Disabled physicians whose judgment is impaired by mental illness or by their own use of scheduled drugs, alcohol, or illegal substances. (In California, we are fortunate to have a progressive and successful Diversion rehabilitation program for these impaired physicians.⁴)

(Continued, page 14)

More Protection for Informants

By Foone Louie

The Legislature finds that well-intentioned people are reluctant to report substandard licensees to their licensing boards for fear of being sued. Prior to January 1991, informants to the boards were granted conditional immunity from damages. The condition was that the informant reasonably believed the information was true, which is similar to another variation requiring that the informant "acted in good faith and without malice."

New legislation (SB 2375 - Presley) effective January 1, 1991 now gives the informant absolute immunity. Reasonable belief or good faith or lack of malice is no longer a condition for protection. The condition is deleted. This is the same absolute immunity granted to judges in the courtroom and legislators on the legislative floor. The new statute is particularly applicable to doctors who wish to refer impaired colleagues to the diversion rehabilitation program for sick doctors.

The following is the text of section 2318, Business and Professions Code: (section 43.8, Civil code, now also provides for absolute immunity)

2318. Providing information indicating board licensee guilty of unprofessional conduct or impaired because

of drug or alcohol abuse or mental illness; immunity from liability

In addition to any immunity afforded by Section 43.8 and 47 of the Civil Code, if applicable, any person, including, but not limited to, a physician and surgeon, hospital, health facility as defined in Section 1250 of the Health and Safety Code, nursing home, convalescent home, peer review body as defined in Section 805, medical society, professional association, patient, nurse, or other healing arts licensee who provides information to the board, to the California Board of Podiatric Medicine, or to the Department of Justice indicating that a board licensee may be guilty of unprofessional conduct or may be impaired because of drug or alcohol abuse or mental illness, shall not be liable for any damages in any civil action on account of the communication of that information to the board. The immunities afforded by this section shall not affect the availability of any absolute privilege which may be afforded by Section 47 of the Civil Code.

Foone Louie is Staff Counsel for the Medical Board of California

Office Labs Must Register With DHS

A new law requires that physicians who own and operate laboratories as a part of their office practice register them with the Department of Health Services (DHS).

The law, AB 4352 (Tanner), became effective January 1, 1991. The laboratories that must register are those that have been determined by DHS to be exempt from State Laboratory Licensure Laws under Section 1241(b) of the California Business and Professions Code. *Physician office laboratories that fail to register with DHS by January 1, 1992 will be required to cease testing.*

The law also requires that DHS develop quality assurance regulations for laboratories operating as a part of a physician's office practice.

For questions regarding the new law or to request registration forms contact:

Laboratory Field Services
Division of Laboratories
2151 Berkeley Way, Room 602
Berkeley, CA 94704
(415) 540-2488



Call (916) 920-6336

DISCIPLINARY ACTIONS

OCTOBER 1, 1990 TO FEBRUARY 28, 1991

PHYSICIANS AND SURGEONS:

- ADAMSON, KIM ALAN, M.D. (G-054258) - Fallon, NV**
2305 B&P Code
Stipulated Decision. Disciplined by Nevada Board for self use of drugs. California: Revoked, stayed, 10 years probation on terms and conditions.
November 16, 1990
- BAILEY, TODD DUANE, M.D. (A-015069) - Rancho Cordova, CA**
2234(e), 2236 B&P Code
Stipulated Decision. Resold the same practice to three different buyers who paid cash each time. Conviction for grand theft.
Revoked, stayed, 5 years probation on terms and conditions.
October 26, 1990
- BAUM, ERIC A., M.D. (G-009212) - Akron, OH**
2305 B&P Code
Disciplined by Florida Board for prescribing violations. California: Revoked. Default.
February 10, 1991
- BILDERBACK, ROBERT DOUG, M.D. (C-032983) - San Antonio, TX**
2305 B&P Code
Disciplined by Texas Board and Missouri Board for mental illness.
California: Revoked. Default.
January 30, 1991
- BRANLY, LOUIS PHILLIP, M.D. (A-030461) - Chester, VA**
2305 B&P Code
Disciplined by North Carolina Board.
California: Revoked. Default.
January 3, 1991
- CAMPBELL, DOYLE E., M.D. (-028192) - Portsmouth, OH**
2305 B&P Code
Disciplined by Ohio Board for filing false claims.
California: Revoked. Default.
December 5, 1990
- CANAN, JANINE BURFORD, M.D. (G036372) - Berkeley, CA**
2234(b) B&P Code
Stipulated decision. Gross negligence in treatment of psychotherapy patient.
Revoked, stayed, 5 years probation on terms and conditions.
October 12, 1990
- CAPLAN, MICHAEL DAVID, M.D. (A-029142) - Tiburon, CA**
2234 B&P Code
Unprofessional conduct in obtaining a \$10,000 loan from two elderly patients in their 80's.
Revoked, stayed, 2 years probation on terms and conditions, including restitution.
January 30, 1991
- CASTILLO, CESAR O., M.D. (A-041087) - Monterey Park, CA**
820, 821, 2336 B&P Code
Conviction for assault with a firearm. Failure to comply with an order compelling a psychiatric examination.
Revoked. Default.
January 12, 1991
- CHAKER, HENRY, M.D. (A-019791) - San Diego, CA**
2234(e), 2236, 2238, 821, 822 B&P Code
Conviction for furnishing anabolic steroids to person not under his treatment for a pathology. Mental illness. Dishonesty in applying for driver's license. Failed to comply with an order for a psychiatric exam.
Revoked.
October 10, 1990
- CLARKE, GEORGE M., M.D. (A-020090) - Kingman, AZ**
2305 B&P Code
Arizona Board imposed restrictions and conditions on practice.
California: Revoked. Default.
November 1, 1990
- DAVIS, FRANKLIN B., M.D. (C-019121) - Turlock, CA**
2234 B&P Code
Stipulated decision. Repeated negligent acts in gynecology practice.

Revoked, stayed, 5 years probation on terms and conditions.
October 17, 1990

DAVIS, JOHN S., M.D. (G-008837) -

Berkeley, CA
726, 2234 B&P Code
Sexual relations with female patients during psychotherapy.
Revoked. Default.
January 12, 1991

DOSUMU-JOHNSON, THOMAS, M.D. (A-034329) -

San Diego, CA
725, 2234(e), 2238, 2242, 2261, 2262 B&P Code
Prescribed Dilaudid, Demerol and other controlled substances excessively, without good faith prior exam and medical indication. Sold blank triplicate prescription forms for large sums. False medical records. Dishonesty.
Revoked.
January 12, 1991

DUBIN, SAMUEL, M.D. (A-019793) -

Silver Spring, MD
2305 B&P Code
Disciplined by Maryland Board for sexual misconduct with female patients during therapy sessions; and for incompetence.
California: Revoked. Default.
February 11, 1991

EISENSTADT, THOMAS CRAIG, M.D. (G-052229) -

Minneapolis, MN
2305 B&P Code
Disciplined by two state boards - Minnesota and Colorado - for drug abuse.
California: Revoked. Default.
February 9, 1991

FEIN, GERALD, M.D. (G-015020) -

Torrance, CA
490, 2236 B&P Code
Stipulated decision. Conviction for battery.
Revoked, stayed, 5 years probation on terms and conditions.
January 25, 1991

FELLER, MARVIN, M.D. (G-006134) -

Woodmere, NY
2305 B&P Code
Disciplined by New York Board for furnishing Demerol and Nembutal to an habitual user, not in good faith and not in the course of his professional practice.
California: Revoked. Default.
December 5, 1990

FOSTER, LAWRENCE, JR., M.D. (A-019345) - So.

Lake Tahoe, CA
2234(e), 2261 B&P Code
Created a phony policy of malpractice insurance in a dishonest and complicated scam to deceive his hospital and the State Department of Insurance.
Revoked, stayed, 3 years probation on terms and conditions, including 90 days suspension.
July 8, 1988 (JUDICIAL REVIEW COMPLETED)

GARCIA, RANDAL LEE, M.D. (G-044501) -

Brookings, OR
2305 B&P Code
Disciplined by Oregon Board for excessive use of ultrasound, unnecessary lab and X-ray work, and inappropriate prescribing.
California: Revoked.
January 30, 1991

GOBAUD, DANIEL S., M.D. (A-032163) -

Montclair, CA
725, 810, 2234(e), 2261 B&P Code
Stipulated decision. Dishonesty in filing false billings to insurance companies for services not performed. Unnecessary diagnostic procedures in one case. False entry in patient's chart.
Revoked, stayed, 5 years probation on terms and conditions.
February 10, 1991

GOSS, SEYMOUR ALLEN, M.D. (A-022441) -

Tallahassee, FL
2305 B&P Code
Disciplined by Florida Board.
Revoked. Default.
January 30, 1991

JANOVICH, JOHN R., M.D. (C-030705) -

Memphis, TN
2305 B&P Code
Disciplined by Tennessee Board.
Revoked. Default.
November 16, 1990

JAQUA, RICHARD A., M.D. (C-027160) -

San Rafael, CA
490, 2236 B&P Code
Conviction for lewd or lascivious act upon a child.
Revoked.
January 13, 1991

KAPEN, HAROLD, M.D. (C-037628) -

Rancho Palos Verdes, CA
2234(b),(c),(d), 2236 B&P Code
Gross negligence, repeated negligent acts, and incompetence in anesthesiology practice, resulting in death

of patient and criminal conviction for involuntary manslaughter.

Revoked. Default.

February 9, 1991

KELLER, THOMAS M., M.D. (G-027288) -

Redding, CA

490, 2236 B&P Code

Stipulated decision. Convicted of battery on three patients, and making annoying telephone calls.

Revoked.

December 19, 1990

LEHR, BENJAMIN, M.D. (C-025019) -

El Centro, CA

725, 2242, 2238 B&P Code; 11210 H&S Code

Stipulated decision. Excessive prescribing of narcotics without good faith medical examination sufficient to substantiate the amount of narcotics prescribed.

Revoked, stayed, 5 years probation on terms and conditions.

January 14, 1991

LEVINE, LEONARD HAROLD, M.D. (G-009535) -

East Windsor, NJ

2305 B&P Code

Stipulated decision. Disciplined in 1981 by New Jersey Board for prescribing without prior examination; and again in 1985 for self-prescribing.

Revoked, stayed, 5 years probation on terms and conditions.

November 19, 1990

LEWIS, PETER M., M.D. (A-014412) -

Riverside, CA

2234(d), 2236, 725, 2242, 2288 B&P Code; 11210 H&S Code

Stipulated decision. Conviction for repeated acts of excessive prescribing. Incompetence in prescribing several types of drugs without knowledge of synergistic effects of those drugs in combination. Disregarded Board's prior admonitions.

Revoked, stayed, 5 years probation on terms and conditions, including one year suspension.

November 26, 1990

LINEHAN, CHARLES K., M.D. (A-016426) -

Astoria, OR

2305 B&P Code

Stipulated decision. Disciplined by Oregon Board.

Revoked, stayed, 5 years probation on terms and conditions.

February 11, 1991

LONG, JOHN COLEMAN, M.D. (G-049501) -

Solvang, CA

726, 2234(b),(cc), 2236 B&P Code

Sexual misconduct with female patients. Conviction for sexual battery. Gross negligence and repeated negligent acts in gynecology practice.

Revoked.

December 3, 1990

MARSHALL, JR., DON ALFREDO, M.D. (G-049956) -

Dayton, OH

2305 B&P Code

Disciplined by Connecticut Board for excessive use of Marijuana over a long period of time.

California: Revoked

February 7, 1991

NAIR, S. RAMACHANDRAN, M.D. (A-036308) -

Staten Island, NY

2305 B&P Code

Disciplined by New York Board for failing to document in the patient's records that the patient had only one kidney, and failing to modify the plan of treatment despite new findings.

California: One year suspension, stayed, 3 years probation on terms and conditions.

January 16, 1991

NELLER, ROTH D., M.D. (A-037275) -

Westminster, CA

2305 B&P Code

Disciplined by Florida Board for excessive prescribing without examination and evaluation.

California: Revoked. Default.

February 7, 1991

NGO, TRUNG THANH, M.D. (A-037275) -

Westminster, CA

2264, 2234(a),(e), 2242, 2238, 2236 B&P Code

Stipulated decision. Conviction for aiding and abetting the unlawful practice of medicine and filing false claims to Medi-Cal. He allowed a friend, an unlicensed doctor, to treat, diagnose and prescribe in his office.

Revoked, stayed, 5 years probation on terms and conditions, including 90 days suspension.

October 1, 1990

NICHOLS, JO ELLEN C., M.D. (G-049214) -

San Francisco, CA

725, 2239, 2242, 2234(e), 2238 B&P Code; 11167, 11170 H&S Code

Prescribed controlled substances to herself, her husband and to patients, excessively and without good faith prior exam and medical indication. Solicited \$2,000 in loans from patient as condition to prescribing dependent narcotics, and then renegeed on loans. Phoned pharmacy for triplicate drugs, then failed to send in triplicate forms despite repeated requests.

Revoked.

December 31, 1990

OOI, JAMES P., M.D. (C-039127) -

San Diego, CA

2234(b),(d) B&P Code

Stipulated decision. Gross negligence and incompetence in managing therapeutic abortions.

Revoked, stayed, 5 years probation on terms and conditions.

October 12, 1990

PALMER, JR., PAUL V., M.D. (A-024145) -

San Diego, CA

2234(b),(d) B&P Code

Stipulated decision. Gross negligence and incompetence in anesthesiology practice.

Revoked, stayed, 5 years probation on terms and conditions.

January 16, 1991

PAN, JOHN CA-CHING, M.D. (A-033720) -

Salinas, CA

2234(b),(d), 2242, 2237, 2238 B&P Code

Conviction for possession of drugs when license was suspended. Gross negligence and incompetence in the treatment of obesity. Failed to comply with probation under prior discipline.

Revoked.

February 27, 1991

PARKINSON, JOHN, M.D. (C-022576) -

Fairfield, CA

2234(d) B&P Code

Stipulated decision. Incompetence, primarily in treating soft tissue injuries from auto accident, requiring over 300 office visits in 18 months.

Revoked, stayed, 5 years probation on terms and conditions.

December 6, 1990

PENAFLOIDA, ROSALINDA, M.D. (A-031656) -

Metro Manila, Philippines

810, 2234, 2261, 2262 B&P Code

Filed false claims to Medi-Cal. After criminal charges were filed, he fled the state.

Revoked. Default.

December 19, 1990

RENTFRO, RICHARD A., M.D. (G-025236) -

Carmichael, CA

2234(c), 2239, 2238 B&P Code; 11170, 11173(a)

H&S Code

Issued false prescriptions to obtain Vicodin (hydrocodone) for self abuse. Two convictions for driving while under the influence of alcohol or a drug.

Revoked, stayed, 7 years probation on terms and conditions.

October 15, 1990

ROMIG, RICHARD ALVIN, M.D. (C-017420) -

Fullerton, CA

2234(c),(e), 2239, 2361, 2262, 2238 B&P Code

Illegal use of Ritalin, an upper, over a long period. Dishonesty, prescription violations, false documents related to efforts to satisfy the addiction. Undergoing rehabilitation.

Revoked, stayed, 10 years probation on terms and conditions, including 9 months suspension.

October 5, 1990

ROSENZWEIG, MILTON, M.D. (G-023204) -

Riverside, CA

Stipulated decision. Failed to comply with probation requirement under prior discipline. Continue with the 5 year probation with a modified order.

October 29, 1990

SALANGA, MELY, M.D. (A-033154) -

Cerritos, CA

725, 2234(c),(e), 490, 2236 B&P Code

Conviction of criminal conspiracy and one count of attempted insurance fraud in connection with a personal injury mill involving false injuries, unnecessary treatments, repeated negligent acts, and dishonesty.

Revoked.

October 2, 1990

SANKARY, TIMOTHY M., M.D. (G-045471) -

San Francisco, CA

2236 B&P Code

Stipulated decision. Conviction of felony-assault with intent to commit a sex crime, related to sexual misconduct with female patient during examination.

Revoked.

December 18, 1990

SARGISS, JULIUS, M.D. (C-039692) -

Irvington, NY

2305 B&P Code

Stipulated decision. Disciplined by New York Board for insurance fraud conviction.

California: Revoked, stayed, 3 years probation on terms and conditions, including 60 days suspension.

January 18, 1991

SCHOEN, JOYA L., M.D. (G-014130) -

Orlando, FL

2305 B&P Code

Disciplined by Florida Board for delegating responsibilities to an unlicensed person to practice in her office, including cytotoxic testing, coffee enemas, colonic therapy and other procedures. Prior California discipline.

California: Revoked. Default

February 7, 1991

SEYOUN, MESFIN, M.D. (G-042634) -**Beverly Hills, CA**

2236, 2237 B&P Code

Stipulated Decision. Federal conviction of 60 counts of unlawful distribution of Preludin, Citra Forte, Ritalin, Doriden, and APC #4 through prescriptions not for a legitimate medical purpose. Sentenced to prison.

Revoked.

October 11, 1990

SIEGEL, HOWARD M., M.D. (G-057480) -**Huntington Beach, CA**

2234, 2239, 2240, 2261 B&P Code

Stipulated Decision. Self abuse of narcotics. Practiced anesthesiology while under the influence of drugs. False medical records stating all drugs not used were destroyed.

Revoked, stayed, 5 years probation on terms and conditions including strict limitations on practice.

December 7, 1990

SMITH, EDWARD J., M.D. (A-016547) -**Byron, CA**

2234(b),(c),(d),(e), 2238, 2242 B&P Code; 11170, 11173, 11153, 11154 H&S Code

Incompetence as to proper usage of Ritalin. Prescribed Ritalin for self use. Prescribed without prior exam and medical indication. Violated statutes regulating drugs.

Revoked, stayed, 5 years probation on terms and conditions, including 90 days suspension.

January 2, 1991

STEELE, RUSSELL B., M.D. (G-014669) -**Stockton, CA**

Violated probation. Did not take seriously the terms and conditions of a prior discipline.

Revoked.

February 9, 1991

STOTZ, RONALD ALVIN, M.D. (A-031467) -**Sacramento, CA**

2234(b) B&P Code

Gross negligence in turning up the morphine drip by titration for a terminal cancer patient who was not under his care as a matter of record.

60 days suspension, stayed, 3 years probation on terms and conditions.

December 28, 1990

THOMPSON, RICHARD G., M.D. (G-049719) -**Colorado Springs, CO**

2305 B&P Code

Disciplined by Colorado Board for surgical deficiencies.

Revoked. Default.

February 7, 1991

TOWLES, WILLIAM J., M.D. (G-005637) -**Los Gatos, CA**

2239 B&P Code

Two convictions involving alcohol while driving. Alcohol misuse.

Revoked, stayed, 5 years probation on terms and conditions.

January 9, 1991

WESTING, RICHARD H., M.D. (G-057744) -**San Jose, CA**

726, 2234(e) B&P Code

Stipulated decision. Sexual misconduct with female patient.

Revoked.

December 31, 1990

WINSAUER HENRY J., M.D. (C-038313) -**San Diego, CA**

490, 2234, 2238, 2242, 2237 B&P Code

Stipulated decision. Conviction for prescribing controlled substances for non-legitimate purposes. Prescribing without prior exam and medical indication.

Revoked, stayed, 5 years probation on terms and conditions, including 120 days suspension.

December 19, 1990

WINTER, ABRAHAM T., M.D. (C-021210) -**Elmhurst, NY**

2305 B&P Code

Stipulated decision. Disciplined by New York Board for filing false insurance claims.

California: Revoked, stayed, 3 years probation on terms and conditions.

January 30, 1991

WOOD, KENNETH AMES, M.D. (C-038889) -**Escondido, CA**

2264, 2242, 2052, 4228 B&P Code

Stipulated decision. As medical director for a chain of weight loss clinics, allowed unlicensed persons to draw blood, give injections, and dispense controlled substance (and without proper labeling) without a physician on-site. Also, prescribed without prior exam and medical indication.

Revoked, stayed, 5 years probation on terms and conditions, including 90 days suspension.

January 18, 1991

YOUNG, LEONARD, M.D. (C-022658) -**Boise, ID**

2305 B&P Code

Disciplined by Idaho Board based on actions by two hospitals.

Revoked.

February 4, 1991

**ZARESKY, STEPHEN A., M.D. (G-043829) -
Fairfield, CA**
2239, 2238, 4232 B&P Code; 11170, 11173 H&S Code
Self abuse of controlled substances. Conviction for Fur-
nishing False and Fraudulent Material Information. Failed
to account for drug supply ordered by subterfuge.
California: Revoked.
October 1, 1990

**ZUCKER, NORMAN, M.D. (G-036394) -
Los Angeles, CA**
2305 B&P Code
Disciplined by State of Washington Board for incompetent
and unsafe practice in several cases.
Revoked. Default.
February 4, 1991

ACUPUNCTURISTS:

**LAM, BINH-QUANG, C.A. (AC-322) -
Oakland, CA**
490, 4955, 4959 B&P Code
Conviction for Medi-Cal fraud.
Revoked. Default.
December 31, 1990

**YEUM, JONG HOOIRE, C.A. (AC-2979) -
Los Angeles**
490, 4955(d), 4956 B&P Code
Stipulated decision. Conviction for bribery.
Revoked, stayed, 5 years probation on terms & conditions.
November 5, 1990

HEARING AID DISPENSERS:

**BROGAN, ROBERT LEE, H.A.D. (HA-1749) -
Citrus Heights, CA**
3401(a),(g),(h),(l),(m), 480 B&P Code; 1791.l(b),
1792.2(b), 1793.02(c) Civil Code; 1399.119(d) CAC
Selling unnecessary hearing aids, improper fitting, failing
to refund promptly and adjust hearing aids, altering cus-
tomer's records, employing unlicensed individuals to sell
and fit hearing aids, failing to properly supervise a trainee.
Revoked.
November 20, 1990

**LEVINE, SOULIE, H.A.D. (HA-2171) -
Woodland Hills, CA**
3401(A),(E),(j) B&P Code
Gross incompetence, fraud, and breach of warranty in the
fitting and selling of hearing aids.
Revoked. Default.
February 11, 1991

**ROBERTSON, NELTON, H.A.D. (HA-819) -
Los Angeles, CA**
Violated terms and conditions of probation under prior
discipline.
Revoked.
February 4, 1991

PHYSICAL THERAPISTS:

**BECK, TERRY LEE, P.T. (PT-7027) -
San Luis Obispo, CA**
726, 2260(h) B&P Code
Sexual relations with patient at physical therapy sessions.
Revoked, stayed, 5 years probation on terms and condi-
tions, including 60 days suspension.
December 10, 1990

PSYCHOLOGISTS:

**ANDERSON, JOHN, Ph.D. ((PX-4509) -
Manhattan Beach, CA**
2960(n) B&P Code
Stipulated decision. Sexual relations with female patient.
Revoked, stayed, 7 years probation on terms and condi-
tions.
December 5, 1990
(Psychologists, Continued)

**CAMERON, WILLIAM R., Ph.D. (PM-8164) -
Santa Maria, CA**
29960(b),(i),(j),(k),(n) B&P Code Sexual misconduct with
female patients, gross negligence, excess use of alcohol.
Revoked.
December 30, 1990

**DOLLAR, BARRY LYNN, Ph.D. (PSY-7129) -
Santa Barbara, CA**
490, 2960 B&P Code
Felony conviction for forging a \$4,000 check.
Revoked. Default.
January 20, 1991

**MARTIN, MICHAEL R., Ph.D. (PC-7505) -
Visalia, CA**
2960(o) B&P Code
Stipulated decision. Functioning outside his particular
field of competence by performing a physical examination
of a patient.
Revoked, stayed, 5 years probation on terms and condi-
tions, including 60 days suspension.
November 2, 1990

OLIVER, FREDERICK RAYMOND, Ph.D. (PSY-6751)**San Luis Obispo, CA**

2960(b) B&P Code

Stipulated decision. Possession and use of controlled substances impairing the ability to practice psychology safely.

Revoked, stayed, 3 years probation on terms & conditions.

February 18, 1991

SANCHEZ, NICK ROBERT, Ph.D. (PSY-6769) -**Middleton, OH**

490, 2960(d) B&P Code

Stipulated decision. Conviction of Medi-Cal fraud.

Six months suspension, stayed, 3 years probation on terms and conditions.

October 8, 1990

WOLF, SIDNEY, Ph.D. (PSY-5141) -**San Diego, CA**

726, 2960(n),(j) B&P Code

Stipulated decision. Sexual misconduct with female clients. Also constituting gross negligence.

Revoked.

November 5, 1990

REGISTERED DISPENSING OPTICIANS:**BURNOR, JOHN L., R.D.O. (D-2276) -****Escondido, CA****BURNOR CONTACT LENS CENTER**

2542 B&P Code

Fitted and sold contact lenses on one occasion where the prescription did not expressly authorize contact lenses.

Public reproval for both licenses.

January 20, 1991

CONTACT LENS CENTER (D-2709) -**Los Angeles, CA****CONTACT LENS CENTER AND OPTICAL BOU-
TIQUE (D-3565) -****Huntington Park, CA****VITALE, MARIO, R.D.O. (CL-539) -****Los Angeles, CA****VITALE-DONDERO, ANA, R.D.O. (CL-540) -****Huntington Park, CA**

2540, 2542 B&P Code

Stipulated decision. Fitted and sold contact lenses on numerous occasions where the prescriptions did not expressly authorize contact lenses.

Revoked, stayed, 2 years probation on terms and conditions, including actual suspensions of 30 days to Ana Maria Vitale-Dondero, 30 days to Mario Vitale, and 20 days to the Contact Lens Center.

October 18, 1990

RESPIRATORY CARE PRACTITIONERS:**ABERNATHY, STEVEN RANDALL, R.C.P.****(RCP-7945) - San Diego, CA**

3750(f) B&P Code

Gross negligence in abandoning patients by walking out of the hospital without notifying superiors or providing alternative coverage.

Revoked. Default.

January 23, 1991

BATES, CHERY DANDEAN, R.C.P. (RCP-8659) -**Simi Valley, CA**

3750(f) B&P Code

Convictions for theft and petty theft.

Revoked. Default.

January 27, 1991

BLAIR, NICOLE LYNN, R.C.P. (RCP-7003) -**Lake Elsinore, CA**

3750, 3750.5, 3760, 3761 B&P Code

Excessive use of alcohol, use of illegal street drugs, stole from co-employees, conviction for petty theft, practicing without valid and current license.

Revoked. Default.

January 27, 1991

CARICUNGAN, ERNESTO O., R.C.P. (RCP-1917) -**Delano, CA**

490, 3750(d), 3752.5 B&P Code

Stipulated decision. Conviction for lewd and lascivious acts with female child.

Revoked.

December 5, 1990

CARTWRIGHT, DAVID L., R.C.P. (RCP-8913) -**Los Angeles, CA**

3750 B&P Code

Stipulated decision. Obtained license with false application concealing a criminal conviction for solicitation of a lewd act.

Revoked, stayed, 2 years probation on terms and conditions, including 6 months suspension.

October 30, 1990

FERRARI, CRAIG, R.C.P. (RCP-12233) -**Garden Grove, CA**

3750(f),(g), 3750.5(b), 2234, 2239 B&P Code

Long-standing drinking problem, intoxication on the job, convictions for drunk driving.

Revoked. Default.

January 27, 1991

HOWARD, HAROLD JAY, R.C.P. (RCP-364) -
Los Angeles, CA
490, 3750(g),(b) B&P Code
Procured license through false application concealing
inadequate training.
Revoked.
January 19, 1991

LEWIS, ANTHONY, R.C.P. (RCP-902) -
Los Angeles, CA
490, 3750(d) B&P Code
Conviction of sexual battery on an institutionalized victim.
Revoked.
December 21, 1990

MARINO, RAYMOND M., R.C.P. (PD-2676) -
Palmdale, CA
475, 3750 B&P Code
Stipulated decision. Procured license by making false
statement regarding prior convictions in his license
application.
Revoked, stayed, 4 years probation on terms and condi-
tions.
October 1, 1990

PENNY, CHRISTOPHER R., R.C.P. (RJ-8993) -
Long Beach, CA
490, 3750(d) B&P Code
Stipulated decision. Conviction of lewd and lascivious
acts upon a child under 14.
Revoked.
December 3, 1990

WIGGINS, EDDIE C., R.C.P. (RCP-11701) -
Sacramento, CA
3750(d), 3750.5(a) B&P Code
Conviction for assault with deadly weapon. Conviction
for possession of a controlled substance.
Revoked.
December 28, 1990

VOLUNTARY SURRENDER WHILE CHARGES PENDING:

PHYSICIANS AND SURGEONS:

ACHALLA, LAKSHMI N.M., M.D. (A-035587) -
Wingdale, NY
October 17, 1990

CASTRO, FLORIZEL F., M.D. (A-025929) -
Kewaskum, WI
December 5, 1990

COHEN, ELLIOTT S., M.D. (G-003108) -
Woodmere, NY
November 15, 1990

GERHARDT, PAUL E., M.D. (C-016654) -
Buena Park, CA
December 5, 1990

NGUYEN, NHI THI, M.D. (A-038256) -
Raleigh, NC
October 16, 1990

O'DELL, BRUCE LAVON, M.D. (G-054528) -
Mesa, AZ
January 11, 1991

ROBINSON, RALPH R., M.D. (C-019518) -
Middlesboro, KY
January 10, 1991

WALTERS JR., PAUL A., M.D. (G-049975) -
Virginia Beach, VA
December 20, 1990

VOLUNTARY SURRENDER:

PODIATRISTS:

BREWSTER, DENNIS C., D.P.M. (E-2376) -
Arcadia, CA
January 4, 1991

PSYCHOLOGIST:

DIEHM, WILLIAM JOHN, Ph.D. (PSY-3761) -
Weed, CA
December 21, 1990

SELLECK, GEORGE A., Ph.D. (PSY-9187) -
Fullerton, CA
January 25, 1991

*To request copies...of complete disciplinary Decisions and
Accusations (Statements of Charges) write to:MBC Enforcement,
1426 Howe Avenue Sacramento, 95825-3236*

For quick, orderly processing, enclose a check based on
\$2.00 for each copy of a decision or an accusation along with
your request. Please give complete name and license number
of doctor or health practitioner. Sorry, but we are unable to
service phone requests.

Supervision of Physician Assistants

by Ray E. Dale

Several hundred physicians this year will contact the Medical Board of California seeking their initial approval to use physician assistants. Those who are granted approval accept significant supervisory duties and responsibilities. According to California law, all care given to a patient by a physician assistant is the ultimate responsibility of the supervising physician.

Current law limits physicians to supervising no more than two physician assistants (PAs) at any moment in time. Immediate availability of the supervising physician is required whenever a PA is providing patient care. According to regulations, the availability of the physician to provide the required supervision must be accomplished by being in the same facility with the PA or by being immediately available by electronic communication.

Before authorizing a PA to perform any medical procedure, the physician is responsible for evaluating their education, experience, knowledge and ability to perform the procedure safely and correctly. In addition, the physician is also responsible for verifying that a PA possess a current license to practice in California from the Physician Assistant Examining Committee (PAEC).

For the mutual benefit and protection of both the physicians and their PAs, the PAEC recommends that the physician develop a written "delegation of services" agreement for each supervised physician assistant. Medical tasks which are delegated by an approved supervising physician may only be those which are usual and customary to the physician's personal practice.

Another one of the many important responsibilities of supervising physicians is the establishment of a signed and dated written statement which explains how, where and when they will review the activities of the PAs they supervise. The statement, often called a "written supervisory guideline," must be made available to the PA and to the agents of the Medical Board of California or Board of Osteopathic Medicine upon request.

In addition, if PAs are to be utilized in a hospital, the supervisory guideline and often the delegation of services agreement should be made available to the hospital's medical staff executive committee. Unless specifically delegated the authority by the medical staff, the granting of hospital privileges for physician assistants and their supervising physicians does not fall within the review of the hospital's committee on inter-disciplinary practice. If physicians plan to utilize PAs in nursing homes, hospices, jails, prisons, or similar settings, they should first make arrangements with the facility's medical director.

There are four methods for providing legally adequate supervision outlined in Section 1399.545 of the Physician Assistant Regulations:

- (1) The physician may see the patients the same day that they are treated by the PA.
- (2) The physician may review, sign and date the medical record of every patient treated by the physician assistant within thirty days of the treatment.
- (3) The physician may adopt written protocols which specifically guide the actions of the PA. The physician must select, review, sign and date at least 10% of the medical records of patients treated by the physician assistant according to those protocols.
- (4) Or, in special circumstances, the physician may provide supervision through additional methods which must be approved in advance by PAEC.

To fulfill the required supervisory obligation the physician must utilize one, or a combination of the four authorized supervision methods.

In order to ensure that a PA's actions involving the prescribing or administration of drugs is in strict accordance with the directions of the physician, every time a PA administers a drug or transmits a drug order, the physician supervisor must sign and date the patient's medical record or drug chart within seven days. There is no current law that authorizes a PA to orally issue a prescription, write or complete pre-signed prescription blanks, or sign a prescription for drugs or medical devices. Current law does not authorize the delegation of prescribing authority to PAs.

(Continued, page 14)



Moved?

We'd like to hear from you so we can change your address on our *Action Report* mailing list.

Please write us at:

1432 Howe Avenue,
Suite 85A
Sacramento, CA 95825-3236

You may choose to have renewal notices, publications and other materials mailed to your office, home or other address. Also, you may request in writing that your home address not be released to the public.

Rx for Pain (continued from page 3)

Dated physicians who misprescribe drugs because of incompetency or failure to keep-up with medical developments.

Duped physicians who are easily manipulated by conniving patients.

For most physicians, there is always the fear of being dated or duped. What the conscientious doctor fears most about treating with opiates is that the pain may be a symptom of an occult cancer or other serious disease --- and that the treatment may mask further symptoms, postponing correct diagnosis and initiation of proper treatment.

In conclusion, physicians may treat patients with chronic intractable pain with opiates after diligent workup, consultation and following proper procedure, running only a small risk of addiction and no risk of disciplinary action from any regulatory agency.

- (1) Senate Bill 1802, LeRoy Greene
- (2) CMA-BMQA. "Guidelines for Prescribing Controlled Substances for Chronic Conditions, a Joint Statement by the BMQA and the CMA." *Action Report*, BMQA, November, 1985. pp.5-6.
- (3) Wesson, DR., Smith, DE. "Prescription Drug Abuse. Patient, Physician, and Cultural Responsibilities." *The Western Journal of Medicine*, May 1990. v152, No. 5, pp613-616.
- (4) Ikeda, R.M., Pelton, C. "Diversion Program for Impaired Physicians." *The Western Journal of Medicine*. May 1990, v152, No. 5, pp617-621.

Dr. Verhaag is a practicing family practitioner in Roseville, a member of MQRC, District 2 and serves as a consultant to the MBC.

Dr. Ikeda is Chief Medical Consultant to the MBC.

Supervising PAs (continued from page 13)

In the event there is a problem or violation involving a PA, the complaint process is the same as for the supervising physician. The Medical Board processes the complaint and their investigators conduct an investigation.

For physicians interested in utilizing physician assistants and would like to know more about the benefits and requirements, several publications are available from the PAEC, including:

California Laws and Regulations regarding the use of PAs

Guidelines for developing delegation of services agreements

Ancillary and economic factors in the use of PAs

Patient Information Brochures (English and Spanish)

Annual newsletter

To request publications or verify a physician assistance licensing information, contact:

Physician Assistant Examining Committee,
1424 Howe Avenue, Suite 35
Sacramento, CA 95825-3237
(916) 924-2626

This article has highlighted many of the key responsibilities a physician assumes when approved to utilize physician assistants. It does not purport to cover all the requirements of law.

Ray Dale is the Executive Officer of the Physician Assistant Examining Committee

Prostate Cancer Summary Update

On January 1, 1991, legislation (AB 348, Burton) became effective which urges physicians to make available to patients a standardized written summary that will inform patients about the advantages, disadvantages, risks, and descriptions of procedures with regard to viable alternative methods of treatment of prostate cancer.

The Department of Health Services, on the recommendation of the Cancer Advisory Council, will be writing the summary. The Medical Board will print and distribute it when written.

Since the summary is not yet available, questions concerning this publication should be directed to:

Department of Health Services
Food and Drug Branch
714 P Street, Room 440
(916)445-2263

Founding Diversion Program Manager Dies

Jerry Becker, former manager of the MBC's Diversion Program, died last month in Florida.

Jerry was the first manager of the Board's Diversion Program and essentially built the whole effort from the ground up. The best testimony to him, in terms of professional accomplishments and personal character, are the more than 200 impaired physicians who, with the help and encouragement of the Diversion Program, have been reunited with their families and their profession.

Jerry died in his Florida home in April. He leaves a legacy of a thriving rehabilitation program that continues to help impaired physicians year after year.

MEDICAL BOARD OF CALIFORNIA

John Tsao, M.D., President
 C. Frederick Milkie, M.D. Vice President
 Jacquelin Trestrail, M.D. Secretary

DIVISION OF LICENSING

J. Alfred Rider, M.D., President
 John C. Lungren, M.D., Vice President
 Galal S., Gough, M.D.
 Haig Mahdessian, M.D.
 Ray Mallel
 Audrey Melikian, Secretary
 C. Frederick Milkie, M.D.

DIVISION OF MEDICAL QUALITY

Frank Albino, President
 John P. Kassabian, M.D., Vice President
 Theresa Claassen, Secretary
 Eugene J. Ellis, M.D.
 Rendel Levonian, M.D.
 Andrew Lucine, M.D.
 Gayle Wilson Nathanson

DIVISION OF ALLIED HEALTH PROFESSIONS

Bruce Hasenkamp, President
 Madison Richardson, M.D., Vice President
 Alfred Song
 Jacquelin Trestrail, M.D.
 John Tsao, M.D.

Kenneth J. Wagstaff
 Executive Director
 H. Thomas Heerhartz
 Assistant Executive Director



The Medical Board has many phone numbers. To avoid transfers, please refer to this list before calling the Board.

TOLLFREE COMPLAINT LINE:

1-800-MED-BD-CA (1-800-633-2322)

(Non-complaint calls to this number cannot be transferred)

Physicians and Surgeons:

Applications and Examinations	(916) 920-6411
Complaints	(800) 633-2322
Continuing Education	(916) 920-6074
Disciplinary Information	(916) 920-6343
Health Facility Discipline Reports	(916) 924-2338
Fictitious Name Permits	(916) 920-6074
License Renewals	(916) 920-6943
Verification of Licensure	(916) 920-6343

General Information (916) 920-6336

Allied Health Professions:

Complaints	(800) 633-2322
Acupuncture	(916) 924-2642
Audiology	(916) 920-6388
Hearing Aid Dispensers	(916) 920-6377
Physical Therapy	(916) 920-6373
Physician Assistant	(916) 924-2626
Podiatry	(916) 920-6347
Psychology	(916) 920-6383
Registered Dispensing Opticians	(916) 924-2612
Respiratory Care	(916) 924-2314
Speech Pathology	(916) 920-6388

MAILING ADDRESS CHANGE:

We have *temporarily* moved our mailing address:

Letters or packages sent to the Medical Board should be directed to:

1432 Howe Avenue, Suite 85A
 Sacramento, CA 95825-3236

This is particularly important to individuals utilizing overnight mail services. Using the wrong address has, in some instances, resulted in the sender being charged an additional fee and packages being returned.

ACTION REPORT

June 1991, Vol. No. 43

The *Action Report* is a quarterly publication of the Medical Board of California. For information or comments about its contents please contact:

Janie Cordray, Editor
 (916) 920-6393

8/1

DEPARTMENT OF CONSUMER AFFAIRS
MEDICAL BOARD OF CALIFORNIA
1426 HOWE AVENUE
SACRAMENTO, CA 95825-3236

BULK RATE
U.S. POSTAGE
PAID
Sacramento, CA
PERMIT NO 685