

ACTION

Medical Board of California

REPORT

California Department of Consumer Affairs

Vol.45 May 1992

DHS Expands Approved AIDS Drugs

The Department of Health Services, AIDS Drug Program (ADP) has announced the expansion of their list to include 11 new drugs. In addition to the two drugs currently being provided by the program (AZT and aerosolized pentamidine), ADP now includes the following new drugs, effective November 12, 1991:

- ddI
- Dapsone
- sulfadiazine
- clindamycin
- ganciclovir
- pyrimethamine
- nystatin
- trimethoprim/sulfamethoxazole (TMP/SMZ)

Also added, effective April 1, 1992, are:

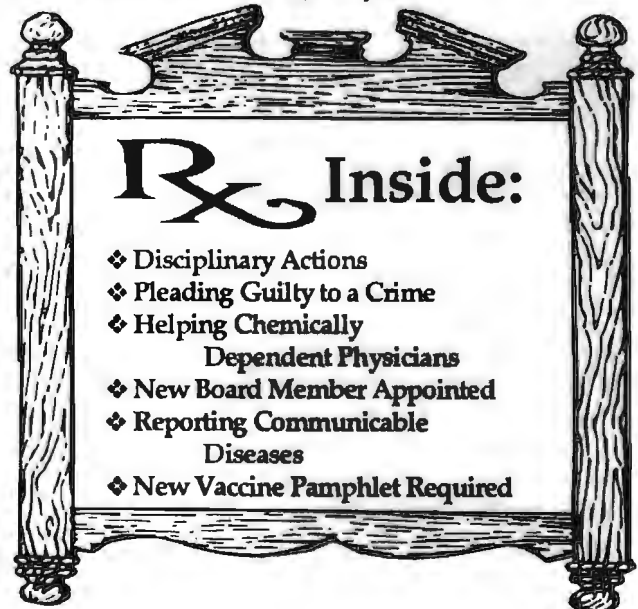
- ketoconazole
- fluconazole
- clotrimazole

The drugs were added to the ADP as a result of the continuing need and demand for a wider spectrum of AIDS drugs to treat the varied and multiple opportunistic infections associated with the human immunodeficiency virus (HIV) disease. The Office of AIDS was further encouraged to expand ADP as a result of a meeting held April 17, 1991 between their staff and a group of clinical physicians who actively provide medical care to persons with HIV disease and AIDS. It was the consensus of the physicians that other drugs should be provided by ADP which were as or more effective, and in some cases, less costly than the two drugs being provided at that time.

Other recommendations were that algorithms and dosages for each of the drugs be developed and distributed to prescribing physicians, major AIDS service providers, participating local health jurisdictions, and other identified entities. These algorithms and recommended dosages can be obtained from:

Department of Health Services
Office of AIDS
P.O. Box 942732
Sacramento, CA 94234-7320
ATTN: Richard Rockwell
(916) 323-4324

Information for this article was submitted by the Department of Health Services' Office of AIDS.



President's Column

by Fredrick Milkie, M.D.



The Board began the new year by discussing a number of major issues in which each division is involved, including a number of policy issues that required the attention of the entire Board.

As you may know, the Board has been developing regulations for the implementation of SB 2036, a law that will regulate the use of specialty board titles in advertising. The law will require, effective January 1, 1993, that boards cited in physician advertising be either ABMS approved or "equivalent." It has been the Board's enviable job to define "equivalent." Discussions held to date have been, to say the least, lively. (I would like to remind those that do not like the proposed regulations that the Board did not seek this responsibility, it was thrust upon us.) The draft regulations were not adopted at the January meeting, but, after some changes, were subsequently adopted at the April meeting of the Division of Medical Quality. If no new substantive issues are raised during the statutory comment period, they will be submitted to the Department of Consumer Affairs and the Office of Administrative Law for review and approval.

There was a lengthy discussion concerning the public's right or need to know complaint information about physicians under investigation and, conversely, physicians' right or need to know about complaints and investigations pending against them. The discussion was scheduled for a half hour and was cut short after over an hour and a half! The Board will be discussing this matter further, and I look forward to resolving this matter in the interest of public protection and fairness.

Another issue examined was the study of significant surgeries performed in unregulated outpatient settings. Under Section 2004(e) of the Medical Practices Act, the Board has the authority to hold hearings to determine medical quality practice issues. Although the vast majority of surgeries performed in outpatient settings result in no problems, our enforcement personnel are seeing a disturbing number of cases that involve patient harm or endangerment that come from surgeries performed in unregulated settings. The Board has appointed a committee to develop recommendations, which will include the conducting of public hearings on the subject. As a practicing ophthalmologist who performs outpatient surgery, I am personally interested in what may result from such a study.

The subject of mandatory HIV testing of health care professionals was also discussed. The Department of Health Services' Office of AIDS sent a representative to make a presentation to the Board about their development of an HIV/Health Care Worker policy, which they are required to draft by a recently enacted law. To date, they

are still in development and will make no recommendations until the policy has been approved by all of the powers that be. As the Board is in the Executive Branch of Government, as is the Health Department, we await their instructions. In the meantime, we will treat AIDS in the same manner we treat serious communicable diseases such as Hepatitis. We will discipline any physician who endangers patients by not following standards of infection control.

So much for the Board meeting. The Board is also facing a number of additional controversial issues this year that will affect consumers and organized medicine.

Those old timers should be reminded, and those physicians too young to remember should be informed that once upon a time there were no limits on punitive damages awarded in malpractice suits resulting in astronomical rates for malpractice insurance in California. Since MICRA (Medical Insurance Compensation Reform Act), punitive damage awards have been limited and malpractice insurance rates have been manageable. There has been peace between organized medicine, insurers and the Trial Lawyers Association. This peace is due to a cease-fire agreement that expires in 1992.

In addition to the awards cap, MICRA created the Medical Board to replace the Medical Examiners to enforce physician discipline. The Medical Examiners consisted of 10 physicians and one non-physician and the new Board was made-up of 12 physicians and 7 non-physicians. For those who think that physician licensing fees are not well spent on enforcement, may I remind them that the cost of the alternative could prove to be significantly more expensive.

Those in search of the 20-second-sound-byte will have no trouble finding a forum. Medical issues are popular entertainment in the media. The most prominent myths being promulgated are that the Board is only made up of physicians who protect the self-interest of the profession and our disciplinary figures are abysmal.

In case you're asked, the Medical Board is not all doctors (as stated previously there are 7 non-physician members on the Board), we took action against over 500 physicians last year, 90 of whom lost their licenses to practice entirely, and another 78 of our investigations were referred to local prosecutors for criminal filings. There are another 900 plus cases pending at the Attorney General's Office awaiting adjudication, and; yes, the system is slow, but most of the delays are out of the Board's control and are caused by the legal system of due process. If people have a problem with that, I'm afraid they have more of a problem with the U.S. Constitution than with the Medical Board.

I look forward to a challenging year as President.

Legal Eagle



The Effects on licensure from criminal pleadings

by Foone Louie

Q. Under plea bargaining, some physicians plead guilty to criminal charges without knowing about the potential fall-out that can result from a criminal conviction. For example, is a conviction a cause for revocation or suspension of a physician's license?

A. Yes. The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct and a basis for license discipline under the Medical Practice Act. (Business and Professions Code, Section 2236)

Q. What constitutes criminal conviction under B&P 2236?

- A.**
- 1) A verdict of guilty, after trial.
 - 2) A plea of guilty.
 - 3) A plea of nolo contendere (no contest)

Q. Does it matter whether a felony or a misdemeanor is involved?

A. No. The test is whether the offense is substantially related to the qualifications of a physician. Unrelated offenses are generally those that do not involve moral turpitude, dishonesty, lack of integrity, or drugs. For example, a conviction for failing to file an income tax

return was held not to be a related offense. Whereas a conviction for income tax fraud was held to be a related offense (Windham vs BMQA (1980) 163 Cal Reprtr 566). The first involved a violation of a mechanical filing required by a statute. The latter involved dishonesty - putting your hands in Uncle Sam's pocket.

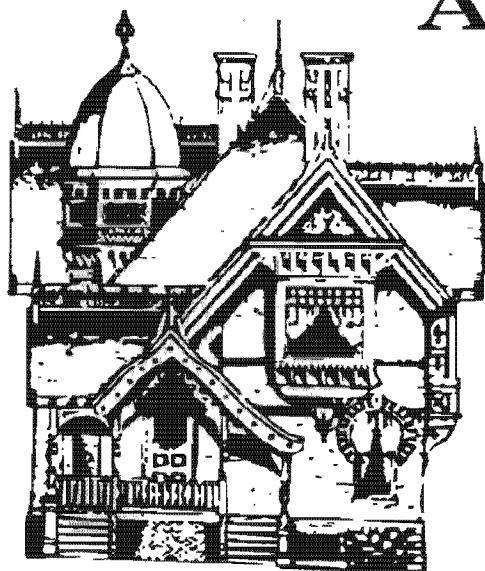
Q. Any other consequences following a conviction?

A. A convicted physician can be excluded from Medicare or Medi-Cal. (42 USC 1320a-7) Again, it depends on the offense. The by-laws of each hospital will determine separately whether a conviction affects staff membership.

For physicians who are interested in more of the legal aspects of practicing medicine, I would recommend the 1992 California Physician's Legal Handbook published by the California Medical Association's Legal Division. This 900+ page handbook is a comprehensive resource of information on laws and regulations that are applicable to the everyday practice of medicine. To get more information or to order the handbook call Sutter Publications at 415-882-5175. Cost is \$85 for CMA members and \$185 for non-members.

Foone Louie is counsel to the Medical Board of California.

Address of Record.....



Is your "Address of Record" your home address?

Recently, our office received a call from a psychiatrist who was understandably upset that a former hostile and unstable patient showed-up at her home. The patient had been given the doctor's home address by the Medical Board's license verification unit.

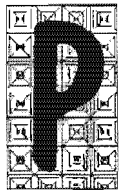
Physician's "address of record" is public record and must be disclosed if requested. It is for this reason that many physicians choose to list their office address or a P.O. Box.

How do you know what is your address of record? Check your wallet certificate - the address on the certificate is your address of record. If you would like to change your address, please write us:

Medical Board of California
 Licensing Program - Verifications Unit
 1426 Howe Avenue, Suite 54
 Sacramento, CA 95825-3236
 (916) 920-6943

Helping the Chemically Dependent Physician

by Chet Pelton



Probably every physician in California knows a colleague that has abused some kind of chemical. Substance abuse affects all walks of life, and physicians are no exception. If we are to believe the statistics, we can assume more than ten percent of our physician population have or will have a problem with drugs (which includes alcohol) at some point in their lifetime.

We at the Board's Diversion Program see the consequences of the disease on the physician and patient. The community often chooses to overlook physicians who abuse drugs or alcohol for a number of reasons. The signs of abuse are generally not obvious and often the person who notices the problem does not report it out of fear of losing employment. Reporting the abuse may end friendships or doctor patient relationships. Sometimes, out of sympathy or friendship, people may want to make excuses for the physician's behavior.

Our Diversion Program receives a number of calls each week from colleagues and others concerned about physicians they believe to have substance abuse problems. They want to know what to do, how they can help, and basically, how to begin to approach the person to help them seek treatment.

The community can be a tremendous help in reaching-out to those physicians with problems. As the first signs of a problem are usually not as clear as being falling-down-drunk while on duty, (which is extremely rare) colleagues can help by being alert to symptoms and identifying the problem. Early

detection, as in many diseases, may improve the chances of avoiding tragic consequences.

There are a number of symptoms which often are a foreshadowing of a more severe problem. A change in personality, poor or abusive attitudes, consistently showing-up late or missing appointments, depression or severe mood swings, and family problems are often symptoms that occur long before a physician's actual medical practice skills are affected. Frequently, it is a nurse or other support staff that notices the signs first. As it is probably very threatening to go to the physician directly, they will usually give the information to another physician or a person with some authority. It is often then another person's responsibility to deal with the situation.

Deal with it they must. The worst thing anyone can do is do nothing and hope the problem will go away by itself - it never does.

We recently received a call from a chief of surgery who had been told by an office nurse that she had found drugs and needles in the desk drawer of a surgeon. When he confronted the surgeon with the discovery, the man had a possible, but not very plausible explanation as to why the drugs were there. Understandably, the Chief was uncomfortable with calling the doctor a liar, and didn't know how to challenge him about the explanation without doing so.

Our discomfort in confrontation is natural, but it must be overcome. In order to move forward, whether it is to take disciplinary action against the physician's privileges or help the person get

treatment, denial of the disease must not be accepted.

The Chief should not have accepted the surgeon's explanation unchallenged. He could have said "well then, you wouldn't mind taking a urine test," or maybe, "would you mind seeing a colleague of ours who specializes in substance abuse," or "I'd like for you to discuss this with the Hospital Well Being Committee." Just letting the situation stagnate did not serve the hospital, the physician, or future patients.

The Diversion Program can help those who need guidance in dealing with the chemically dependent physician. We have a number of physicians in recovery that will help in intervention and can lend their personal experiences to help bring greater understanding to the condition.

Each hospital must have a Well Being Committee to assist physicians who may have problems with chemical dependency or mental illness. The Committee is confidential and helps the physician to be rehabilitated.

Substance abuse is a problem that will only worsen over time. If left untreated, it can be fatal. The nature of the disease almost always results in long periods of denial and an aversion to seeking help and treatment. It is for that reason that physicians must help those affected acknowledge their conditions and be persistent in encouraging treatment. To let an affected physician continue to deteriorate is neither kind or appropriate.

Chet Pelton is the Manager of the Board's Diversion Program.

Medical Board Diversion Program

The Board's Diversion Program is a highly structured long-term monitoring program with a 74% success rate. It is a tough program that over 350 physicians have successfully completed since 1980.

A physician entering the Diversion Program is evaluated by a Diversion Evaluation Committee composed of 3 physicians and 2 public members, all experienced in chemical dependency. Physicians must sign an agreement based on a treatment plan tailored to their individual needs by the DEC, which has a number of conditions, and may include:

- Notification of the Well Being Committee in the Hospital where practicing of participation in the Diversion Program.
- Attending Diversion Program meetings.
- Attending Alcoholics Anonymous/Narcotics Anonymous meeting.
- Submitting to biological fluid testing on a random basis.
- If Board referred, agree that if unsuccessfully terminated by the program, all Diversion records will be turned-over to the Board's Enforcement Unit for administrative disciplinary action.
- Agree to stop practicing medicine if the Diversion Examining Committee (DEC) determines that the physician is found to be unfit to practice.

Those who enter the Diversion Program must be clean and sober for a minimum of two years before they may successfully terminate the program. This means that if a physician is clean for a year and then has a relapse, he starts all over again for another two years. Participants must also demonstrate a change of life-style that will support sobriety.

Those in the Diversion Program are closely monitored. They must submit periodic reports about their recovery progress, undergo outside evaluation, and must obtain approval from DEC before changing jobs.

Physicians may enter the program through a disciplinary order or may participate voluntarily before the Medical Board has any knowledge of patient endangerment or misconduct. Participation of physicians who enter the program voluntarily (over 50%) is treated confidentially.

The program accepts physicians who are alcoholics, drug addicts, and in rare instances, those who are mentally ill, and works closely with Well Being Committees in each hospital. Any licensed physician in California who has or feels he or she might have a substance abuse problem may apply to the Diversion Program for an evaluation. Those who are interested in information about the program should call (916) 924-2561 on weekdays.

Delinquent on Support Payments?

*You may be unable to
renew your license*

Department of Consumer Affairs is working with the Department of Social Services, as well as other appropriate agencies to implement a new law that will prohibit the issuance or renewal of professional licenses to individuals delinquent in their court ordered support payments.

The law is intended to crack-down on individuals who have been more difficult to reach for collection of delinquent payments -- self-employed professionals. If the State is notified by a county district attorney that an individual is delinquent in his or her court ordered payments, no license will be issued or renewed.

The law will go into effect July 1, 1992. At present, legislation clean-up is being proposed that would provide for an issuance of a temporary 150 day license in order for arrangements to be made for payment.

Those who may be affected by the new law should contact the district attorney's office in the county where the support was ordered.

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

**1992 Board meetings
presently scheduled are:**

**May 8 & 9 - Sacramento
July 30 & 31 - San Francisco
November 5 & 6 - L.A.**

**Call (916) 920-6393 for
complete information.**

New Board Member Appointed



B. Camille Williams, M.D. is the newest appointment to the Medical Board by Governor Pete Wilson. Dr. Williams was appointed to the Board in November and will serve on the Division of Licensing.

Dr. Williams is a Cosmetic Surgeon in private practice in Orinda. She received her Bachelor of Science degree from Oregon State University, Masters of Science degree in consumer science from the University of California, Davis and her medical degree and general surgery training at the University of California at San Francisco.

She completed an Otolaryngology Head and Neck Surgery residency at Kaiser, Oakland and received her cosmetic surgery training in Lausanne, Switzerland, through a fellowship with the American Academy of Facial Plastic and Reconstructive Surgery.

After receiving her masters degree, and before entering medical school, Dr. Williams served as a nutritionist for low income pregnant women in the Maternal Infant Care Project at St. Luke's Hospital in San Francisco.

Dr. Williams is board certified in Otolaryngology and a member of the American Academy of Facial Plastic and Reconstructive Surgery, American Medical Association, American Academy of Cosmetic Breast Surgery, American Academy of Cosmetic Surgery, and American Society of Liposuction. Along with numerous hospital and public service organizations, Dr. Williams is a member of the Foundation Board of San Francisco State University, and Board of Regents of John F. Kennedy University. She is also a Board member of the Orinda Chamber of Commerce.

The doctor's appointment replaces Governor George Deukmejian's appointment, Dr. Haig Mahdessian. The term expires in June, 1993.

Questionnaire to Focus on Supply and Distribution of Physicians

A revised physician survey questionnaire will be included in all applications for license renewals beginning early this year.

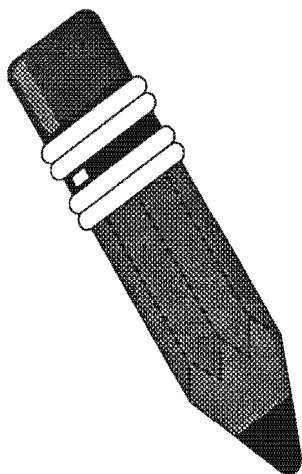
The data gathered will be used by several state, local and private agencies to study for longterm health care planning. The questions are designed to furnish the best information possible with the least intrusion. In general, the questions are aimed at helping to determine where doctors are needed, and in what specialties.

The information should be helpful to medical schools, counties and other public and private agencies, which may now suspect they have a shortage of physicians but have no quantifiable data. In addition, through this revised survey, the Medical Board may be the first agency to develop reliable statistics on the number and type of settings in which significant surgeries are being performed outside of hospitals.

Completion of the questionnaire is mandatory (Section 923 B&P) and the information collected is strictly confidential. No physician will be identified in any data released to the public or other governmental agencies.

For additional information about the questionnaire, please feel free to write:

Physician and Surgeon Questionnaire
Medical Board of California
1430 Howe Avenue, Suite 85A
Sacramento, CA 95825-3236



Right to Choice - Right to Protection

by Cathy Stueckemann



How would you respond if a person with mental retardation came into your office and asked to be sterilized? How would you respond if the parents of a 19-year-old female with profound mental retardation asked you to sterilize their daughter?

If you didn't say something like, "Well in the first case I would be sure I got an informed, voluntary consent; and in the second case, I would recommend that they go to court to become limited conservator to give consent to sterilization," then you need to read on.

The law recognizes the right of persons with developmental disabilities who are capable of giving consent to sterilization to give that consent without the necessity of a court order. (Probate Code Section 1969) The right to exercise choice over procreation/family planning is a fundamental privacy interest that may not be denied to an individual solely on the basis of a disability. However, the law recognizes the fact that persons with developmental disabilities are capable of and do engage in sexual activity yet may not be able to make informed choices concerning their right to procreative choice, including the right to choose sterilization. Historically, the power to sterilize has oftentimes been abused. It is critical for you as a medical doctor to know that those individuals with developmental disabilities who are not capable themselves of giving an informed consent **must** have a court order specifically authorizing such a sterilization procedure before you may proceed. The law does not prohibit medical treatment or surgery that's required for other medical reasons and in which sterilization is unavoidable but is not the object of the treatment. (Probate Code Section 1968)

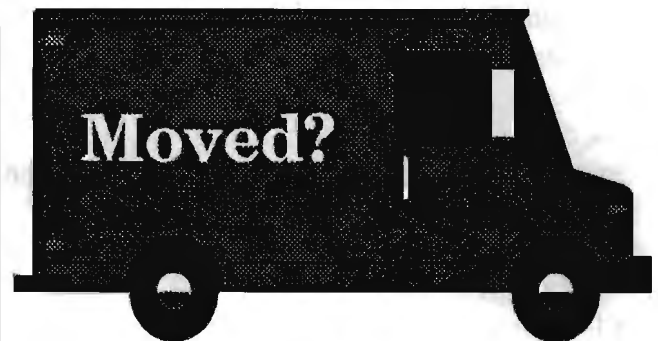
However, even conservators having exclusive authority under Probate Code Sections 2355 and 2357 must petition the court for the authority to give consent to a sterilization procedure as required by Probate Code Sections 1950-1969.

These Probate Code Sections create a procedure for the appointment of a limited conservator with authorization to consent **only** to the sterilization of a developmentally disabled adult who does not have the ability to consent to such a procedure. What does this mean to you? Without a court order, you **may not** legally sterilize an individual who is incapable of giving that kind of informed consent. So even though mom, dad and their son or daughter with a developmental disability have been your patients for years and the parents want their child steril-

ized, you have a legal obligation to obtain a voluntary informed consent from that son or daughter or obtain a copy of the court order specifically authorizing such a sterilization procedure.

If there's no voluntary, informed consent or no court order, then no sterilization procedure. For further information on this topic, please contact your local Medical Society or the Regional Center which serves persons with developmental disabilities in your area.

Cathy Stueckemann is a Client Rights Advocate for the San Diego Regional Center. She may be contacted at: San Diego Regional Center, 4355 Ruffin Road, San Diego, CA 92123, or call (619) 576-2928.



Please let us know if you have changed your address so we can update our mailing lists. If you change your address of record and do not inform the Board, you may not receive your license renewal application.

Please write us:
Medical Board of California
1426 Howe Avenue, Suite 54
Sacramento, CA 95825

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, if it is not your only address on record (see article on page 3). Please call (916) 920-6336 for these special requests.

DISCIPLINARY ACTIONS

May 15, 1991 to January 31, 1992

PHYSICIANS AND SURGEONS:

ANDRADA, Manuel T., M.D. (A-030555) -
Merced, CA
2305 B&P Code
Stipulated Decision. Disciplined by U.S. Air
Force for post-operative mismanagement.
Revoked, stayed, 5 years probation on terms and
conditions.
January 15, 1992

BELL, BILL G., M.D. (G-25820) -
Vista, CA
725, 810, 2234, 2261, 2262,
2238 B&P Code; 11170 H&S Code
Stipulated Decision. Gross negligence, incompe-
tence and repeated negligence in ophthalmology
practice; excessive treatment; dishonesty in
altering records and filing false billings; self
prescribing.
Revoked, stayed, 10 years probation on terms and
conditions, including 6 months suspension.
July 15, 1991

BERGSTRUD, RICHARD A., M.D. (G-21011) -
Venice, FL
2305 B&P Code
Disciplined by Florida Board for tax fraud con-
viction and mental illness.
Revoked, stayed, 10 years probation on terms and
conditions, including 60 days suspension.
August 29, 1991

BIRDS, Valentine G., M.D. (A-028695) - North
Hollywood, CA
2234(b),(d),(e) B&P Code
Gross negligence, incompetence and dishonesty in
the management of AIDS patients, including
misrepresentation to hospitals for implanting
catheters in desperate AIDS patients so they could
inject themselves with Viroxan, an unapproved
substance formulated in a kitchen sink, and

dispensed by Dr. Bird as an effective AIDS drug.
Revoked. December 19, 1991

BRILLIANT, Lee, M.D. (G-033218) -
Panorama City, CA
2234(b),(c) B&P Code
Stipulated Decision. Gross negligence and re-
peated negligence in the management of preg-
nancy resulting in the birth of a stillborn infant.
Revocation, stayed, 5 years probation on terms
and conditions, including 30 days actual
suspension.
January 10, 1992

CAMPOS, LELYS, M.D. (A-36358) -
Lakeview Terrace, CA
2305 B&P Code
Stipulated Decision. Disciplined by the Depart-
ment of Army for practice deficiencies.
Revoked, stayed, 5 years probation on terms and
conditions.
July 11, 1991

CASEY, Richard G., M.D. (C-038211) -
St. Louis, MO
2305 B&P Code
Disciplinary action by Missouri Board.
California: Revoked. Default.
November 29, 1991

CASTNER, THOMAS D., M.D. (G-54175) -
Carlsbad, CA
820, 822, B&P Code
Stipulated Decision. Ability to practice impaired
by psychological disorder.
Revoked, stayed, 5 years probation on terms and
conditions.
May 29, 1991

CANNON, MAHLON D., M.D. (C-36460) -
Encino, CA
2234(b), (c), (d) B&P Code

Gross Negligence, incompetence, and repeated negligence in the care and treatment of numerous abortion patients at Her Medical Clinic.

Revoked.

July 10, 1991

CHAMBERS, CHARLES H., M.D. (G-49517) -
Reno, NV

Violated terms and conditions of probation under prior discipline.

Revoked. Default.

July 27, 1991

CHARMS, MATTHEW I., M.D. (G-49517) -
Sherman Oaks, CA

2305 B&P Code

Stipulated Decision. Disciplined by Ohio Board for chemical dependency.

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

July 16, 1991

CHIAROTTINO, MICHAEL R., M.D. (G-39528)
Bonita, CA

2234, 2239 B&P Code

Violated probation. Tested positive for controlled substances.

Revoked. Default.

September 19, 1991

CHONG, James B., M.D. (A-039043) -

Ocilla, GA - 2305 B&P Code

Disciplinary actions by Missouri Board and Georgia Board.

California: Revoked. Default.

October 9, 1991

CLAYTON, WILLIAM F., JR., M.D. (G-36399)
Stockton, CA

2305 B&P Code

Stipulated Decision. Disciplined by Ohio Board for submitting false Continuing Medical Education certification.

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

January 13, 1991

COATES, REGINALD A., M.D. (G-37252) -
West Hills, CA

2234(b) B&P Code

Gross Negligence in failing to diagnose, follow-up or consult for a "shadow" on lung X-Rays he first noted 3 years prior to ultimate surgery for lung cancer on a patient he saw often.

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

September 4, 1991

COFFEE, Leonard S., M.D. (G-037489) -
Fresno, CA

726, 2234, 2236 B&P Code

Sexual molestation of children. Criminal conviction for sexual battery on an 8-year-old minor.

Revoked. Judicial Review Completed.

January 29, 1992

COLLIER, DEWITT T., M.D. (G-20860) -
Long Beach, CA

2293, 2234(b), c), (d), 2236, 820, 822, B&P Code

Gross negligence, incompetence, and repeated negligence in anesthesiology practice. Twice flunked oral clinical exam in anesthesiology.

Conviction for battery, psychological disorder.

Revoked, stayed, 5 years probation on terms and conditions, including 60 days suspension.

August 29, 1991

DAVIS, JAMES H., M.D. (C-25095) -

Saginaw, MI- 2305 B&P Code

Disciplined by Michigan Board for sexual misconduct with anesthetized patients. Conviction for criminal sex conduct.

Revoked. Default.

September 7, 1991

DELIA, MARIANNE L., M.D. (A-35540) -
Norwalk, CA

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

Gross negligence and repeated negligence in obstetrical management.

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

June 7, 1991

EISENBERG, ELYSE R., M.D. (G-64542) - Los Altos, CA
725, 2234(c) B&P Code
Stipulated Decision. Repeated negligent acts and excessive prescribing of Demerol to patient.
Revocation, stayed, 5 years probation on terms and conditions, including 90 days suspension.
July 4, 1991

ERD, QUENTIN L., M.D. (C-23540) - Campbell, CA
2234, 2236 B&P Code
Stipulated Decision. Criminal conviction for battery -- offensive kissing and fondling during an examination.
Revocation, stayed, 5 years probation on terms and conditions.
July 5, 1991

ERWIN, Jefferson D., M.D. (A-040468) - Lawton, OK
2305 B&P Code
Disciplined by Oklahoma Board for chemical dependency.
California: Revoked. Default.
January 30, 1992

FAHLSING, EDWIN L., M.D. (G-9695) - San Diego, CA
2234(b),(c),(d) B&P Code
Gross negligence, incompetence and repeated negligent acts in 14 OB-GYN cases, including inadequate, untimely reports.
Criminal conviction for discharging firearms in grossly negligent manner. Prior discipline.
Revoked.
August 16, 1991

FEINAUER, LYMAN R., Jr., M.D. (A-24710) - Salt Lake City, UT 2305 B&P Code
Disciplined by Utah Board for unauthorized and excessive use of Tylenol #4 and failure to maintain drug records.
Revoked. Default.
September 7, 1991

FOSTER, KENNETH W., M.D. (G-042475) - Red Bluff, CA
725, 2234(c), 2238 B&P Code; 11156 H&S Code
Stipulated Decision. Prescribed controlled substances to addicts or habitual users; excessive prescribing; repeated negligent acts in prescribing two anti-depressants concurrently.
Revocation, stayed, 5 years probation on terms and conditions, including 60 days suspension.
September 11, 1991

GARD, ZANE R., M.D. (A-028859) - San Diego, CA
2234(b),(d) B&P Code
Gross negligence and incompetence in the diagnosis and treatment of patients with his Bio-Toxic Reduction Program, unproven with no medical validity, at his Human Environmental Medicine facility. Prior discipline.
Revoked. July 27, 1991

GOMEZ, JAIRO, M.D. (C-038279) - Los Angeles, CA
2234, 2264 B&P Code
Stipulated decision. Aided and abetted an unlicensed person to practice medicine in his clinic and pre-signed blank prescriptions for this aide.
Revocation, stayed, 5 years probation on terms and conditions, including 60 days suspension.

GRACE, Lawrence J., M.D. (C-033005) - Santa Clara, CA- 2234(a),(f) B&P Code
Stipulated Decision. Drug abuse. Tested positive for Propoxyphene. Terminated from Board's Diversion Program.
Revoked, stayed, 5 years probation on terms and conditions.
November 9, 1991

GREEN, Philip J., M.D. (A-020011) - Encino, CA- 2234, 2236 B&P Code
Criminal conviction for filing false Medi-Cal claim.
Revoked, stayed, 5 years probation on terms and conditions.
October 20, 1991

GROBLER, Nicholaas M., M.D. (A-039206) -
Upland, CA
725, 2234(b),(c),(d), 2238 B&P Code;
11154 H&S Code

Stipulated Decision. Criminal conviction for prescribing controlled substances to a person not under treatment for a pathology. Gross negligence, repeated negligence, and incompetence in prescribing practices that were excessive and in violation of statutes regulating drugs.

Revoked, stayed, 5 years probation on terms and conditions, including 6 months actual suspension.
January 10, 1992

HALSTEAD, Bruce W., M.D. (A-012597) -
Colton, CA
490, 2236 B&P Code

Criminal conviction for nine counts of grand theft by false pretenses, and other offenses in connection with false advertisement, sale and offer of an unapproved drug called ADS, an herbal-nutritional drink promoted to alleviate or cure cancer. Sentenced to 32 months state prison.

Revoked.
January 19, 1992

HA-THUC, HY NHY, M.D. (A-038556) -
Chino, CA
2236, 490 2234(e) B&P Code

Criminal conviction: Medi-Cal fraud.
Revocation, stayed, 5 years probation on terms and conditions, including 90 days suspension.
September 26, 1991

HAWK, James A., M.D. (G-043387) -
Danville, CA 2234(d)

Stipulated Decision. Incompetence in the diagnosis, treatment and removal of a lesion without a biopsy. The patient had malignant cancer.
Revoked, stayed, 5 years probation on terms and conditions.
January 16, 1992

HAY, Phillip H., M.D. (A-019033) -
Beverly Hills, CA 2234 B&P Code
Charged with filing false insurance claim. Not

guilty, but is guilty of sloppy records-keeping and billing practice.
Public reproof.
January 3, 1992

HEFFERNAN, JOSEPH, M.D. (G-024420) -
Sacramento, CA
2234(c) B&P Code

Stipulated decision. Repeated negligent acts in the prolonged physical examination of female patients, including unnecessary breast examination.

Revocation, stayed, 5 years probation on terms and conditions.
May 23, 1991

HURRIA, Kesho N., M.D. (A-032102) -
Anaheim, CA
725, 2234(b),(d) B&P Code

Stipulated Decision. Gross negligence, incompetence, and excessive treatment or hospitalization in the care of orthopedic patients.

Revoked, stayed, 5 years probation on terms and conditions.
October 17, 1991

ILLIONS, RONALD I., M.D. (A-028903) -
Anaheim, CA- 725, 2234(e), 810 B&P Code
Stipulated decision. Dishonest billing practices to obtain higher insurance payments by billing foot surgical procedures as multiple procedures.
Holds dual license as podiatrist.
Revocation, stayed, 5 years probation on terms and conditions, including 120 days suspension.
September 14, 1991

JOHNSON, Mark J., M.D. (C-029069) -
Laguna Niguel, CA
822 B&P Code

Ability to practice safely impaired due to physical illness.

Revoked, stayed, indefinite probation on terms and conditions limiting work to teaching, proctoring, research, writing or consulting in the medical field.
October 20, 1991

KAMIEL, Michael B., M.D. (G-024597) -
Culver City, CA
725, 2234(b) B&P Code
Stipulated Decision. Prescribing of controlled substances in large amounts over a prolonged period to a drug abusing patient constituted gross negligence and excessive prescribing.
Revoked, stayed, 3 years probation on terms and conditions.
November 6, 1991

KAPLAN, Leonard, M.D. (A-022404) -
Columbus, OH- 2305 B&P Code
Disciplined by Ohio Board for criminal conviction involving false Medicaid claim.
California: Revoked. Default.
December 8, 1991

KHAN, HAMEED A., M.D. (A-031453) -
Torrance, CA- 2234, 2271, 2264 B&P Code
Employed an unlicensed physician assistant to treat patients. False advertising in listing help as "P.A." or "M.D." when not licensed as physician assistant or physician.
Revocation, stayed, 5 years probation on terms and conditions.
June 30, 1991

LASKO, Keith A., M.D. (A-030165) -
Van Nuys, CA
810, 2261, 2262, 2234(b),(c),(d),(e) B&P Code
Excessive, unnecessary, and unjustified battery of expensive diagnostic tests on elderly patients in nursing homes. Gross negligence, repeated negligence, incompetence, dishonest billings, false claims to insurance.
Revoked. Default.
January 22, 1992

LIEM, SAN JU, M.D. (A-0333911) -
New Britain, CT - 2305 B&P Code
Disciplined by New York Board for negligence on three occasions in the emergency room.
Revocation, stayed, 5 years probation on terms and conditions.
September 12, 1991

LINDEN, ZENA, M.D. (G-004971) -
Sunnyvale, CA
2234, 2234(e) B&P Code
Borrowing \$10,000 from patients in therapy exploited the psychiatrist-patient relationship and resulted in a conflict of interest arising out of the dual relationship created by the loan transaction. Failing to repay as agreed further jeopardized the relationship.
Revocation, stayed, 5 years probation on terms and conditions.
June 6, 1991

LOVALVO, LEONARD J., M.D. (A-020687) -
Pacific Grove, CA
726 B&P Code
Stipulated decision. Sexual relations with patient.
Revocation, stayed, 10 years probation on terms and conditions, including 90 days suspension.
August 22, 1991

LUCHS, JAMES R., M.D. (G-011590) -
Long Beach, CA
490, 2237, 2242, 2234(b),(e), 725, 2238, 4051 B&P Code
Criminal conviction for selling narcotic prescriptions to undercover agents for DEA. Operated a "drug mill" of major proportions in Compton. Failed to maintain inventory records of vast drug supply in office.
Revoked.
May 30, 1991

MADEY, EDWARD V., M.D. (C-010141) -
Woodland Hills, CA
822 B&P Code
Stipulated decision. Mental illness.
Revocation, stayed, 5 years probation on terms and conditions.
July 13, 1991

MARTIN, Larry A., M.D. (A-030225) - Tahoe City, CA
822, 725, 2234, 2261, 2242, 2234(b),(c),(d),(e) B&P Code
Mental disorder impairing ability to practice

medicine safely. Excessive prescribing; prescribing without medical indication; false document; fraudulent billing; gross negligence; incompetence; repeated negligence; and dishonest acts. Revoked.

December 12, 1991

MC KINNEY, DAVID W., M.D. (C-037723) -
Detroit, MI

2305 B&P Code

Discipline by Michigan Board revoking license.

Revoked. Default.

July 12, 1991

MELASHENKO, KENNETH, M.D. (G-044335)
Hanford, CA

2305 B&P Code

Limitations on practice imposed by Minnesota Board related to gastroscopies and colonoscopies. Revoked, stayed, 5 years probation on terms and conditions.

September 7, 1991

MEALY, KATHERINE E., M.D. (C-041436) -
San Jose, CA

725, 2234(b),(c),(d) B&P Code

Stipulated decision. Gross negligence, incompetence, repeated negligent acts, excessive use of diagnostic services at center for women's disorders and weight control

Revocation, stayed, 5 years probation on terms and conditions, including 60 days suspension.

August 15, 1991

MINSKY, Frances M., M.D. (G-050322) -
San Diego, CA

Probation violations of prior discipline.

Revoked. Default.

December 15, 1991

MORENTZ, PAUL E., M.D. (C-041436) -
Pinole, CA

2234, 2237, 2238 B&P Code

Stipulated decision. Criminal conviction for dispensing controlled substances without written or oral prescriptions. He allowed co-workers at

V.A. hospital to save money by buying drugs through him at wholesale prices. No personal profit.

Public reprimand.

July 6, 1991

NORDLUND, Paul, M.D. (C-032165) -
Upland, CA

822 B&P Code

Ability to practice medicine safely impaired by mental illness.

Revoked, stayed, indefinite probation with conditions precedent to stay, and then subsequent conditions for life.

January 4, 1992

PACINI, Luigi C., M.D. (A-023253) -
Stockton, CA

2234, 2241, 2242, 2262, 4390 B&P Code

Obtained Demerol for addicted wife by writing prescriptions in the names of other patients.

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

November 29, 1991

PONG, David W., M.D. (G-033084) -
Sacramento, CA

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

Stipulated Decision. Incompetence and repeated acts of negligence in the management of a patient with renal problems.

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

December 18, 1991

POWELL, PERRY O., M.D. (C-012366) -
San Diego, CA

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

Stipulated decision. Gross negligence and repeated negligent acts in the management of a critically ill OB patient in the hospital.

Revocation, stayed, 5 years probation on terms and conditions, including 60 days suspension.

July 8, 1991

PRICE, CALVIN U., M.D. (A-029002) -
Flint, MI
2305 B&P Code
Disciplined by Michigan Board.
Revoked. Default.
July 17, 1991

QUISMORIO, ANTONIO L., M.D. (A-030859) -
Vallejo, CA
810, 2236, 2234(e), 2262 B&P Code
Criminal conviction for bloating false bills to
insurance company for fake services, in connec-
tion with personal injury referrals and kickbacks
with lawyers.
Revoked.
September 9, 1991

SACCOMAN, William, M.D. (G-007064) -
El Cajon, CA
2234(b),(d) B&P Code
Stipulated Decision. Gross negligence and in-
competence in the management of an 88-year-old
patient treated with chelation therapy.
Revoked, stayed, 7 years probation on terms and
conditions.
January 15, 1992

SAKAMOTO, ARTHUR N., M.D. (G-046216) -
Los Angeles, CA
2242, 2238, 2261 B&P Code
Stipulated decision. During a 3 year period,
wrote over 150 Dilaudid prescriptions for patients
he never examined or, in some cases, even met,
and without legitimate medical indication.
Revocation, stayed, 5 years probation on terms
and conditions, including one year suspension.
September 28, 1991

SAKS, Lawrence, M.D. (G-036859) -
San Pedro, CA
2236 B&P Code
Stipulated Decision. Criminal conviction for
income tax fraud.
Revoked, stayed, 5 years probation on terms and
conditions, including 60 days actual suspension.
November 22, 1991

SCHMIDT, Clarence, M.D. (A-010645) -
Visalia, CA
Violated probation under prior discipline.
Revoked. Default.
November 15, 1991

SEGAL, Gordon E., M.D. (G-041393) -
New York, NY
2305 B&P Code
Disciplined by Colorado Board for alcohol and
drug abuse.
Revoked. Default.
November 6, 1991

SERAI, KANWALJIT S., M.D. (A-040402) -
Eastpoint, FL
2305 B&P Code
Disciplined by Florida Board.
Revoked. Default.
July 14, 1991

SEVERS, RONALD G., M.D. (C-025831) -
Destin, FL- 2305 B&P Code
Stipulated decision. Privileges suspended by U.S.
Air Force for substandard practices.
Revocation, stayed, 5 years probation on terms
and conditions.
August 21, 1991

SHONKWILER, Jack D., M.D. (C-031362) -
Kensington, CA
Stipulated Decision. Failed to comply with
probationary requirements under prior discipline.
Revoked, stayed, 3 years probation on terms and
conditions.
January 5, 1992

SIEVENPIPER, Ladd, M.D. (G-024304) -
Novato, CA- 2234(b) B&P Code
Stipulated Decision. Gross negligence in failing,
over 1½ years of symptoms, to perform appropriate
tests for cancer on patient with rectal ailments,,
who died of colon cancer at age 41.
Revoked, stayed, 5 years probation on terms and
conditions, including 60 days actual suspension.
November 1, 1991

SKOPEC, Howard M., M.D. (G-020237) -
Escondido, CA
726, 2234(b),(d), 2263 B&P Code
Sexual relations with female patient. Gross
negligence and incompetence in psychotherapy
practice. Revealed confidential patient secret.
Revoked, stayed, 7 years probation on terms and
conditions, including 120 days actual suspension.
November 23, 1991

STEVENS, MARK T., M.D. (G-065360) -
San Diego, CA
Violated terms and conditions of a license origi-
nally granted on a probationary basis.
Revoked.
August 30, 1991

STRAWN, Dale A., M.D. (A-011316) -
Vancouver, B.C. Canada
2305 B&P Code
Discipline by U.S. Army, Medical Services Corp.
Revoked. Default.
October 17, 1991

SUTHIKANT, Deja, M.D. (G-020237) -
St. Joseph, MO
2305 B&P Code
Disciplined by Illinois Board for non-therapeutic
prescribing of controlled substances to an addict.
Missouri discipline based on Illinois decision.
California: Revoked.
November 9, 1991

THAI, MINH VAN, M.D. (A-041082) -
San Jose, CA
2234(c) B&P Code
Stipulated decision. Repeated negligent acts in
prescribing excessively the narcotic Tussionex to
patients with drug abuse profiles.
Revocation, stayed, 5 years probation on terms
and conditions.
July 3, 1991

WOODWARD, Russell S., M.D. (A-011000) -
Los Angeles, CA
2264 B&P Code

Stipulated Decision. Aided and abetted unli-
censed practice at weight loss clinic.
One year suspension, stayed, 2 years probation on
terms and conditions.
January 3, 1992

YU-SHIEH, Day Mei, M.D. (A-048554) -
Monterey Park, CA
2235 B&P Code
License obtained by mistake.
Revoked. Default.
January 16, 1992

ACUPUNCTURISTS

DISPO, BALTAZAR, C.A. (AC-995) - Los
Angeles, CA
2052, 2054, 4955 B&P Code
Criminal conviction for use of "M.D." and "Dr."
on cards and signs without a California
physician's license. Continued to practice medi-
cine unlawfully by doing physical exams for
insurance companies and signing medical reports
as "M.D." - even after his conviction. The fact he
was formerly an M.D. in the Philippines is no
defense.
Revoked.
July 1, 1991

LOS ANGELES UNIVERSITY - No. Holly-
wood, CA
4939(b) B&P Code
Acupuncture school failed to file required appli-
cation for approval with the Department of Edu-
cation as a vocational school.
Certificate of Accreditation is revoked.
September 23, 1991

YUIN UNIVERSITY - Compton, CA
4939(b) B&P Code
Application for approval as an acupuncture school
was disapproved by the Department of Education
following an on-site visit by a site-review team.
Certificate of Accreditation is revoked.
September 23, 1991

HEARING AID DISPENSERS

BENNETT, LANCE EVAN, H.A.D. (HAD-1178) - Fresno, CA
3401(d) B&P Code
Criminal conviction for lewd and lascivious acts on child under 14.
Revoked. Default.
September 27, 1991

MILWICK, Glenn, H.A.D. (HA-1772) - San Rafael, CA
3401 (g),(l) B&P Code
Fraud or misrepresentation in the fitting or selling of a hearing aid.
Revoked. Default.
November 25, 1991

RODRIGUEZ, EDWARD D., H.A.D. (HA-2122) - Eureka, CA
3401(a) B&P Code
Fraud and incompetence in fitting and selling hearing aids.
Revoked. Default.
August 19, 1991

WEIR, MARK WAYNE, H.A.D. (HA-1644) - Palmdale, CA
3401(d), 3403 B&P Code
Criminal conviction for battery and petty theft.
Revoked. Default.
August 19, 1991

PHYSICAL THERAPISTS:

RUSSO, JAMES LEILAN, P.T. (PT-5360) - Covina, CA
726, 2660(h) B&P Code
Stipulated decision. Gross negligence in molesting and sexually abusing female patients during physical therapy.
Revoked.
August 29, 1991

TARPENING, ROSALIE, P.T. (PT-3339) - Turlock, CA
Criminal convictions for second degree murder, unlawful practice of medicine, unlawful practice of reflexology, iridology, and homeopathic medicine related to lay midwifery, resulting in death of viable human fetus. Prior discipline prohibited pregnancy care and baby delivery.
Revoked.
August 12, 1991

PHYSICIAN ASSISTANTS

GOMEZ, MIGUEL H., P.A. (PA-11285) - Torrance, CA
2053, 2053 B&P Code; 1399.521(e) Title 16, CCR
Unlawful practice of medicine. Practicing without physician supervision and in the absence of written protocols. Insufficient education, training and experience in performing the procedure.
Revoked. Default.
September 12, 1991

ROACH, James R., P.A. (PA-10352) - Long Beach, CA
726, 3527, 2054, 4036 B&P Code
Sexual misconduct with female patients. Held self out as a physician. Work for physician lacking permit to supervise PAs. No written guidelines for PA supervision. Wrongfully issued prescriptions pre-signed in blank by a physician. Prior discipline.
Revoked.
November 25, 1991

ROBINSON, ANNE, P.A. (PA-10576) - Inglewood, CA
3527, 3531 B&P Code
Criminal conviction for Medi-Cal fraud.
30 days suspension, stayed, 2 years probation on terms and conditions.
May 17, 1991

PODIATRISTS

BENSON, BRADLEY G., D.P.M. (E-2937) -
Turlock, CA
2234(b),(c),(d) B&P Code
Stipulated decision. Gross negligence, incompetence, repeated negligent acts in failure to properly evaluate patient pre-operatively, failure to manage post-operative infection, and failure to promptly diagnose and treat vascular complications.
Revocation, stayed, 5 years probation on terms and conditions, including 6 months suspension and \$8,000 fine.
July 18, 1991

BERK, Charles, D.P.M. (E-1790) - Huntington Beach, CA
2305 B&P Code
Stipulated Decision. Disciplined by Michigan for conviction for fraudulent billing.
Revoked, stayed, 5 years probation on terms and conditions, including 30 days actual suspension.
October 28, 1991

BLAIR, Michael S., D.P.M. (E-1969) - Santa Monica, CA
725, 2234(b),(d), 2261, 2262 B&P Code
Stipulated Decision. False records. Gross negligence and incompetence. Excessive prescribing.
Revoked, stayed, 5 years probation on terms and conditions, including 6 months actual suspension.
October 28, 1991

ILLIONS, RONALD I. D.P.M. (E-886) - Anaheim, CA
725, 2234(e), 810 B&P Code
Stipulated decision. Dishonest billing practices to obtain higher insurance payments by billing foot surgical procedures as multiple procedures.
Holds dual license as physician.
Revocation, stayed, 5 years probation on terms and conditions, including 120 days suspension plus \$2,952.35 reimbursement for investigation and prosecution costs.

PSYCHOLOGISTS

ANDREWS, JAMES G., Ph.D. (PSY-5644) - San Francisco, CA
726, 2960(n),(j) B&P Code
Gross negligence in having sex relations with therapy patient.
Revoked.
September 11, 1991

BACH, ALFRED A., Ph.D. (PSY-3062) - Redondo Beach, CA
2960(a),(j) B&P Code
Stipulated decision. Criminal conviction for unlawful possession of cocaine. Gross negligence in conducting therapy sessions.
Revoked.
May 30, 1991

COVAULT, RICHARD E., Ph.d. (PSY-535) - Ventura, Ca
726, 2960(n) B&P Code
Stipulated decision. Sex relations with therapy patient.
Revoked.
August 16, 1991

DAVIDSON, Jon R., Ph.D. (PSY-2961) - Woodside, CA
726, 2960(i),(j),(k),(n) B&P Code
Stipulated Decision. Sexual misconduct with 16-year-old female patient. Gross negligence.
Revoked.
October 18, 1991

DENBROEDER, MARK, Ph.D. (PSY-10071) - Pleasanton, CA
2960(j) B&P Code
Stipulated decision. Gross negligence in establishing a dual relationship by developing a social relationship with patient resulting in emotional conflict and psychological harm.
Revocation, stayed, 3 years probation on terms and conditions.
May 26, 1991

GARMAN, Steven L., Ph.D. (PSY-10505) -
Chino, CA
2960(j),(n) B&P Code
Sexual misconduct with female patient. Gross
negligence.
Revoked, stayed, 5 years probation on terms and
conditions, including 45 days actual suspension.
November 15, 1991

GATES, DONALD F., Ph.D. (PSY-9027) -
Carlsbad, CA
2960(m),(n) B&P Code
Stipulated decision. Disciplined by Connecticut
Board for sexual relations with patient. New
York discipline based on Connecticut action.
Revocation, stayed, 5 years probation on terms
and conditions.
June 7, 1991

KUNHART, WILLIAM E., Ph.D. (PSY-1572) -
Riverside, CA
2906(b),(j),(n) B&P Code
Gross negligence in inviting patient to his home
for own purposes, drank alcohol heavily and
engaged in sexual misconduct with that patient.
Revoked. Default.
September 6, 1991

LEONE, Robert E., Ph.D. (PSY-8561) -
Arlington, TX
2960(j) B&P Code
Gross negligence with respect to a five-day self-
awareness and growth seminar called The Gift.
Revoked, stayed,, 5 years probation on terms and
conditions, including 12 months actual
suspension.
December 20, 1991

MARSH, Jeffrey, Ph.D. (PSY-7762) -
Beverly Hills, CA
726, 2960(n) B&P Code
Sexual misconduct with female patient.
Revoked, stayed, 3 years probation on terms and
conditions.
August 18, 1991
Judicial Review Completed

MAXWELL, MARIANNE E., Ph.d. (PSY-6354)
Irvine, CA
2960(j) B&P Code
Gross negligence in maintaining social relation-
ship with therapy patient.
Revoked. Default.
June 7, 1991

NIEDERMAN, Robert D., Ph.D. (PSY-6747) -
Palo Alto, CA
725, 2960(i),(j),(n) B&P Code
Stipulated Decision. Sexual misconduct with
female patient. Gross negligence.
Revoked, stayed, 3 years probation on terms and
conditions, including 60 days actual suspension.
November 1, 1991

SABO, K. Thomas, Ph.D. (PSY-8340) -
Porterville, CA
2960(b) B&P Code
Stipulated Decision. Self-abuse of alcohol.
Intoxicated while on duty at state institution.
Revoked, stayed, 5 years probation on terms and
conditions.
November 30, 1991

SCOTT, Jimmy P., Ph.D. (PSY-3648) -
Ontario, Canada
Violated terms and conditions of probation under
prior discipline.
Revoked. Default.
January 4, 1992

SIMON, ROBERT S., Ph.d. (PSY-6508) -
San Diego, CA
2963, 810 B&P Code
Stipulated decision. Criminal conviction for false
billings to CHAMPUS.
Revocation, stayed, 5 years probation on terms
and conditions.
August 17, 1991

SONN, DONALD, Ph.D. (PSY-10732) -
San Diego, CA
2960(a) B&P Code
Stipulated decision. Criminal conviction for

solicitation and conspiracy to commit murder.
Sentenced to 11 years state prison.
Revoked.
June 30, 1991

STANLEY, George, Ph.D. (PSY-1799) -
Santa Monica, CA
2960(h),(j),(o) B&P Code
Stipulated Decision. Violated patient confidentiality and engaged in conduct deemed to be grossly negligent.
Revoked, stayed, 3 years probation on terms and conditions.
January 9, 1992

WEST, WILLIAM G., Ph.D. (PSY-5413) -
Marina del Rey, CA
810, 2960(l) B&P Code
Stipulated decision. Aided and abetted unlawful practice by assigning patient to unlicensed help for treatment. Filed false insurance claims for biofeedback treatments never performed, and misrepresented self as an "M.D."
Revocation, stayed, 5 years probation on terms and conditions.
August 16, 1991

RESPIRATORY CARE PRACTITIONERS

BROWN, ODIE M., RCP (RCP-6600) -
Palmdale, CA
3750(h), (i) B&P Code
Aided and abetted the unlawful practice of Respiratory Care. Dishonestly helped an individual to obtain a false certificate card for use in gaining employment.
Revoked. Default.
September 11, 1991

CHAN, DENNIS W., RCP (RCP-12160) -
Sacramento, CA
3750(d) B&P Code
Criminal conviction for forging 6 prescriptions for Halcion, a sleep inducer.

Revocation, stayed, 3 years Probation with terms and conditions.
August 31, 1991

DA CRUZ, ALBERT S., RCP (RCP-7974) -
Sacramento, CA
3750, 3752 B&P Code
Criminal conviction in 1989 for felony drunk driving causing injury to another. Prior convictions: driving under the influence, 1986; reckless driving, 1983.
Revoked.
September 8, 1991

EVERS, MICHAEL J., RCP (RCP-10076) -
Templeton, CA
490, 3750(d), (j) B&P Code
Criminal conviction in April 1985 for credit card forgery - conviction not revealed in his June 1985 license application with this committee. Application fees paid by check with insufficient funds.
Revocation, stayed, 5 years probation with terms and conditions, including 90 days suspension.
July 5, 1991

HERY, Robert F., R.C.P. (RCP-9352) -
San Diego, CA
490, 3750((d),(j), 3750.5(a),(b),(c), 3752.5 B&P Code
Alcohol abuse, drug abuse; driving under the influence; conviction for cruel beating of son; obtained drugs unlawfully; dishonesty.
Revoked.
November 29, 1991

JONES, JOHN, RCP (RCP-7280) -
Santa Barbara, CA
1399.353 Title 16, CCR
Stipulated Decision. In his license renewal application, he stated he complied with the mandatory continuing education requirements. This was found to be misrepresentation after a random audit of licensees for compliance with the continuing education requirements.
Revocation, stayed, 2 years probation with terms and conditions.
July 4, 1991

LINDY, Malia, R.C.P. (RCP-7039) -
Poway, CA
3750(d) B&P Code
Stipulated Decision. Criminal convictions for
soliciting prostitution.
Revoked, stayed, 3 years probation on terms and
conditions.
November 10, 1991

MAULDIN, ANTHONY R., RCP (RCP-10508) -
Lancaster, CA
490, 3750(d), 3752.5 B&P Code
Criminal conviction for rape of a spouse by
means of force or fear. (Penal Code 262)
Revocation, stayed, 5 years probation with terms
and conditions.
August 10, 1991

POLITTE, NELSON R., RCP (RCP-3112) -
El Torro, CA
3750(d), 3752, 3752.5 B&P Code
Criminal conviction for voluntary manslaughter.
While babysitting, he caused fatal head injury to
five-month old niece.
Revoked. Default.
July 24, 1991

SANTOS, JOSE W., RCP (RCP-4984) -
San Francisco, CA
3750(b), 3750.5(b) B&P Code
Criminal conviction for involuntary manslaugh-
ter. During an evening of drinking, he and a
friend were playing with a gun collection when
one of the weapons discharged and killed the
friend.
Revocation, stayed, 5 years probation with terms
and conditions. August 1, 1991

SILER, Linda D., R.C.P. (RCP-6793) - Long
Beach, CA
3750(d), 3750.5 B&P Code
Stipulated Decision. Criminal conviction for sale
of rock cocaine.
Revoked, stayed, 4 years probation on terms and
conditions.
November 10, 1991

STEVENSON, JAMES G., RCP (RCP-9038) -
Compton, CA
475 B&P Code
Stipulated Decision. Procured license through a
false application concealing prior convictions, one
involving possession of a controlled substance.
Revocation, stayed, 3 years probation with terms
and conditions.
July 5, 1991

WAGGONER, DALE E., RCP (RCP-6844) -
Tehachapi, CA
3750(d), 3752.5 B&P Code
Criminal conviction for murder in the second
degree.
Revoked. Default.
July 11, 1991

WILK, JAYSEN P., RCP (RCP-9693) -
Jamestown, CA
3750(b),(d) B&P Code
Procured license through a false application
concealing several criminal convictions. After
licensure, was convicted of trying to use an
elderly patient's credit card to rent a car, without
authority.
Revoked.
June 20, 1991

REGISTERED DISPENSING OPTICIANS

GUREGHIAN, ARA, R.D.O. (SL-551) - San
Anselmo, CA
2551, 2553, 2556 B&P Code; 1399.232 CCR
Advertised and provided optician services at
addresses where he was not registered. Adver-
tised the services of an optometrist, which is
prohibited.
Revoked.
June 22, 1991

THE OPTICAL STORE AND JULIAN,
CARLOS M. (D-3446)
JULIAN, CARLOS, CONTACT LENS DIS-
PENSER (CL-624) - Chula Vista, CA
2555, 2563, 2541.3 B&P Code; 1399.232 CCR

Defective workmanship in service and goods; and substandard materials.

One year probation on terms and conditions.

September 26, 1991

SPEECH PATHOLOGY AND AUDIOLOGY

COLLINS, David E., S.P. (SP-734) -

Susanville, CA

726, 2533.1 B&P Code

Stipulated Decision. Criminal conviction for sexual misconduct with developmentally disabled female minor during speech therapy sessions.

Revoked.

November 27, 1991

VOLUNTARY SURRENDER WHILE CHARGES PENDING

PHYSICIANS AND SURGEONS

ALEXANDER, Merrill J., M.D. (C-016129) -

Modesto, CA

November 27, 1991

ARCHER, Carol R., M.D. (G-004601) - St.

Louis, MO

November 14, 1991

CANDELARIO, Reynalda F., M.D. (A-022865)

Rodeo, CA

January 8, 1992

CAYLER, Glen G., M.D. (A-013901) -

Sacramento

November 27, 1991

COMAS, THOMAS E., M.D. (A-022420) -

Phoenix, AZ

August 8, 1991

DRYE, Robert C., M.D. (G-003618) -

Oil City, PA

October 25, 1991

HERRERO, Brunildo, M.D. (C-042415) -

Lakeland Hills, CA

December 15, 1991

HOLBROOK, Julius C., M.D. (A-014650) -

Antioch, CA

December 12, 1991

LEMES, Andrew J., M.D. (C-035646) -

Los Angeles, CA

November 15, 1991

MAHONEY, Glen C., M.D. (A-028265) -

Huntington Beach, CA

January 23, 1992

MARCHBANKS, HOWARD, M.D. (C-020083) -

La Habra, CA

August 29, 1991

RAMSAY, GEORGE C., M.D. (C-021764) -

Gadsden, AL

June 17, 1991

REDELFS, JOHN W., M.D. (C-0016552) -

San Jose, CA

June 25, 1991

SOLANA, Louis J., M.D. (A-028529) -

Pomona, CA

January 5, 1992

TUCKER, ERIC, M.D. (A-021469) -

Compton, CA

August 14, 1991

WILKIE, Ormond L., M.D. (G-023821) -

Miami, FL

November 25, 1991

WINSTON, BURTON J., M.D. (C-026728) -

Palm Springs, CA

July 15, 1991

ZAHN, Albert C., M.D. (A-011800) -

Fall River Mills, CA

December 3, 1991

PSYCHOLOGISTS

GOODENOUGH, ROBERT B., Ph.D. (PSY-5504) - Santa Cruz
July 26, 1991

SIMPSON, MARTHA, Ph.D. (PSY-5582) - Vista, CA

PROBATIONARY CERTIFICATES

PHYSICIAN AND SURGEONS

VESPE, John Robert, M.D. (G-072675) - Carlsbad, CA
2305, 2238, 2239, 2221 B&P Code
Stipulated Decision. Cocaine and alcohol abuse. Privileges revoked by U.S. Navy. Rehabilitation. Probationary license issued on terms and conditions, 3 years probation.
October 8, 1991

NELSON, William W., M.D. (G-073048) - Lafayette, CA
2238, 2239, 2221 B&P Code
Stipulated Decision. Substance abuse, including Demerol, cocaine, alcohol, marijuana. Went through impaired physician program in Georgia. Probationary license issued on terms and conditions, one year probation.
December 3, 1991

PODIATRY

WADHAMS, Peter S., D.P.M. (E-3793) - Long Beach, CA
490, 2236, 2052, 2221 B&P Code
Stipulated Decision. Criminal conviction in 1991 for unlicensed practice of medicine. Probationary license issued on terms and conditions, 3 years probation. October 2, 1991

STATEMENT OF ISSUES DECISIONS

Applicants for licensure may ask for a hearing before an administrative law judge to challenge any denial of license for cause.

RESPIRATORY CARE PRACTITIONERS

WREN, Donna J., R.C.P. (RCP-14806) - Norco, CA
3750.5, 3754 B&P Code
Stipulated Decision. Drug abuse. Criminal conviction for forgery. Drug rehabilitation program.
Probationary license issued on terms and conditions, 5 years probation.
December 11, 1991

PSYCHOLOGISTS

ROWLES, Gerald L. - Chino, CA
2960(j) B&P Code
In Detroit, commenced sexual relationship one day after he formally terminated therapy with patient. During this hearing, applicant refused to take full responsibility for his actions. Application for psychology license is denied.
October 17, 1991

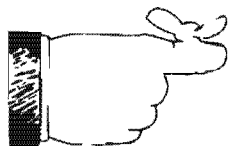
PODIATRISTS

RUETENIK, Brad W., D.P.M. (EL-779) - Rancho Santa Fe, CA
2236, 2221 B&P Code
Stipulated Decision. Criminal conviction for assisting the unloading of marijuana from sailboats. Prison time. Favorable probation report. Probationary license issued on terms and conditions, 5 years probation, 2 years concurrent with his residency program.
January 14, 1992

To request copies of complete disciplinary Decisions and Accusations (Statements of Charges) write to: MBC Enforcement, Attention: Central File Room, 1426 Howe Avenue, Sacramento, CA 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.

New Vaccine Pamphlets Required

by Loring Dales, M.D.



On April 15, 1992, the patient notification provision of the National Vaccine Injury Act became effective. It requires providers of specified vaccines (diphtheria, tetanus, pertussis, measles, mumps, rubella and

polio and all combinations of these vaccines; e.g., DTP, MMR) to first give their child and adult patients informational pamphlets, designed by the United States Department of Health and Human Services, to read. There are three of these "Vaccine Information Pamphlets" (one of each for diphtheria-tetanus-pertussis, measles-mumps-rubella, and polio vaccines) which describe the benefits and risks of the vaccines.

All physicians, clinics, and hospitals administering these vaccines to any patients must provide these patients with the corresponding pamphlets (or, alternatively, self-developed materials which meet all of the information requirements of the governing federal law and regulations) before every vaccine dose is given. This requirement applies to both the public and private medical sector and applies regardless of whether the vaccine used is purchased with public or private funds and regardless of whether the patient's medical care is paid with private or public funds. There is no legal requirement that private medical sector providers collect and retain the patient/parent-guardian signature record that appears at the end of the pamphlets, but most providers will want to do so. It is legally required that, for each patient immunized, providers record and retain the following information in the facility's permanent medical records:

- date vaccine administered
- vaccine manufacturer and lot number
- name, address and title of the person administering the vaccine.

In May, 1992, the California Department of Health Services, in cooperation with the Medical Board of California, mailed every physician with a California medical license who is located in this state a free set of "camera-ready" originals (English and Spanish) of these pamphlets. Translations into several different languages will be available in August, 1992. In the same mailing, physicians were told how and where to order additional

free sets of "camera-ready" originals. The American Academy of Pediatrics offers the pamphlet for sale in bulk (in English Language only). For a price list and order form, write:

American Academy of Pediatrics
P.O. Box 927
Elk Grove Village, Illinois 90009-0927

Dr. Dales is Chief of the Department of Health Services' Immunization Unit.



Looking for
back issues of
the
Action Report?

For copies of back issues call
(916) 920-6336.

Why When How

to report communicable diseases

by George W. Rutherford, M.D.

Physicians who treat individuals or families rely on a complete and current clinical database to practice medicine adequately. County Health Officers, Disease Control Officers, the State Epidemiologist, and their departments rely on a sound database to plan, manage, and fund disease control in their community. They rely on you for this essential data. It is for this reason communicable disease reporting by physicians is required by law.¹

When cases of communicable diseases are promptly and accurately reported to local health departments, it gives them the needed data to:

- Initiate timely public health interventions.** During last year's measles epidemic, some cases, which could have been prevented by prompt post exposure prophylaxis, occurred when physicians failed to notify their local health department of the index case. Health departments may need to institute mass prophylaxis rapidly in epidemics such as meningitis. Delays in reporting could be fatal.
- Detect outbreaks of disease.** Reports made by Long Beach physicians resulted in the identification of jet gun injections as the source of an ongoing outbreak of hepatitis B.²
- Plan and monitor prevention programs and justify funding for local needs.** Data furnished on Tuberculosis (TB) and AIDS each year are used in evaluating the effectiveness of TB and AIDS control programs. Furthermore, statistics reported help determine the amount of funding available in California for controlling these diseases. Measles and syphilis are other examples of diseases for which prevention programs and justification for funds use data from physicians' reports. Formulas to allocate funds for medical care and other direct patient services may depend on physician reporting. The stakes are even higher when a minimum quota of cases is required. In 1990, some metropolitan areas did not qualify for Federal Ryan White AIDS funding, because they could not document the required 2,000 cases of AIDS -- more complete reporting by physicians could have led to more funding.

When should a physician report? You should notify the communicable disease unit of your local health department whenever you suspect an outbreak of disease or whenever your patient is diagnosed with a reportable communicable disease (see list).

Never assume that a case has been reported to the health department by someone else (e.g., laboratory personnel). Health departments would rather receive duplicate reports for a case than no report at all, and there are only a few diseases that laboratory personnel are required to report.

For each case, you should complete a Confidential Morbidity Report (CMR) card. On the CMR card, indicate the diagnosis as specifically as possible; for example, if a patient has a stool culture positive for *Salmonella typhi*, the diagnosis should be "typhoid fever" or "*S. typhi* infection," not "salmonellosis." The back of the CMR card needs to be filled out for hepatitis, tuberculosis, and sexually transmitted diseases.

Send the CMR card to the communicable disease control unit of your local health department, which will forward the information to the California Department of Health Services. For some diseases, health departments need information about the patient beyond that requested on the CMR card. Your local health department will contact you if necessary for any individual case.

Information about individual patients is kept strictly confidential as required by California law. If you are concerned that your health department might contact your patient, you may wish to discuss this concern with the Health Officer or designee. You may advise your patient that you are making a report, and that you are legally required to do so, and medically liable if you do not. Neither this advice, nor your patient's consent is required, and your concern for your patient's confidentiality does not exempt you from your reporting duty.

To obtain supplies of CMR cards, or copies of the California laws pertaining to disease reporting¹, physicians should contact their local health departments. To learn more about the reporting of communicable diseases in general, you can consult a 1989 article in the *Journal of the American Medical Association*.³ Thank you for participating in communicable disease control in California.

1. California Code of Regulations, Title 17 (Public Health), Sections 2500, 2502, and 2503.

2. Canter J, Mackey K, Good LS, et al. An outbreak of hepatitis B associated with jet injections in a weight reduction clinic. *Arch Intern Med* 1990;150:1923-7.

3. Chorba TL, Berkelman RL, Safford SK, Gibbs NP, Hull HF. Mandatory reporting of infectious diseases by clinicians. *JAMA* 1989;262:3018-26.

George W. Rutherford, M.D., is Deputy Director for Prevention Services, California Department of Health Services. Timothy Livermore, M.D., a physician for Alameda County Health Care Services Agency, also contributed to this article.

Communicable Diseases Reportable in California

- Acquired Immune Deficiency Syndrome (AIDS)
 - Amebiasis ☒
 - Anthrax ☒
 - Botulism (Infant, Foodborne, or Wound) ☒
 - Brucellosis
 - Campylobacteriosis ☒
 - Chancroid
 - Chlamydial Infections (*C. trachomatis*)
 - Cholera ☒
 - Coccidioidomycosis
 - Conjunctivitis, Acute Infectious of the Newborn (specify etiology) ☒
 - Cryptosporidiosis
 - Cysticercosis
 - Dengue ☒
 - Diarrhea of the Newborn (outbreaks) ☒
 - Diphtheria ☒
 - Encephalitis---Viral, Bacterial, Fungal, or Parasitic (specify etiology) ☒
 - Foodborne Illness (food poisoning) Ⓞ
 - Giardiasis
 - Gonococcal Infections
 - Granuloma Inguinale
 - *Haemophilus influenzae* (invasive disease) ☒
 - Hepatitis A ☒
 - Hepatitis B (specify whether case or carrier)
 - Hepatitis, Delta
 - Hepatitis, Non-A, Non-B
 - Hepatitis, Unspecified
 - Kawasaki Syndrome
 - Legionellosis
 - Leprosy (Hansen's Disease)
 - Leptospirosis
 - Listeriosis ☒
 - Lyme Disease
 - Lymphogranuloma Venereum
 - Malaria ☒
 - Measles (Rubeola) ☒
 - Meningitis---Viral, Bacterial, Fungal, or Parasitic (specify etiology) ☒
 - Meningococcal Infections ☒
 - Mumps
 - Non-Gonococcal Urethritis
 - Pelvic Inflammatory Disease (PID)
 - Pertussis (Whooping Cough) ☒
 - Plague ☒
 - Poliomyelitis, Paralytic ☒
 - Psittacosis ☒
 - Q Fever ☒
 - Rabies (Human or Animal) ☒
 - Relapsing Fever ☒
 - Reye Syndrome
 - Rheumatic Fever, Acute
 - Rocky Mountain Spotted Fever
 - Rubella (German Measles)
 - Salmonellosis ☒
 - Shigellosis ☒
 - Streptococcal Infections (outbreaks and cases in food handlers and dairy workers only) ☒
 - Syphilis ☒
 - Tetanus
 - Toxic Shock Syndrome
 - Trichinosis ☒
 - Tuberculosis
 - Tularemia
 - Typhoid Fever (specify whether case or carrier) ☒
 - Typhus Fever
 - *Vibrio* Infections
 - Yellow Fever ☒
- **OUTBREAKS OF ANY DISEASE**
- **OCCURRENCE OF ANY UNUSUAL DISEASE**
- ☒ To be reported immediately by telephone.
- Ⓞ When two (2) or more cases or suspected cases of foodborne illness from separate households are suspected to have the same source of illness, they should be reported immediately by telephone.
- ☒ To be reported by mailing a report or by telephoning within one (1) working day of identification of the case or suspected case.
- All other conditions should be reported within 7 calendar days from the time of identification.



MEDICAL BOARD OF CALIFORNIA

1426 HOWE AVENUE
SACRAMENTO, CA 95825-3236



To all California licensed physicians from members of the Board:

As you probably already know, physicians are facing new increases in license renewal fees. Board members would like you to know that we share your concerns about rising government costs and are doing everything possible to contain the cost of administering the Medical Practices Act.

The immediate need for more funds stems from the rapid rise in demand for more legal support from the Office of the Attorney General. As the Board has increased its enforcement activities and is processing more investigations, more and more cases have been referred to the Attorney General for legal action. The Assistant Attorney General in charge of the Health Quality Enforcement Section, Al Korobkin, estimates that the section must have an additional 27 staff members to handle the added load.

We have been closely analyzing the Attorney General's data to assure that the need is not exaggerated. We are working together to determine the amount of funds required to pay for the number of staff reasonably needed to ensure the joint Medical Board / Attorney General system fulfills its mission to protect the public.

Over the past two years, the Board and its peer-review based disciplinary system have come under considerable fire in the media, and consequently, the Legislature. The State Auditor General recently completed a report which said the system was too slow. It found that the average time to fully process a case against a doctor, from complaint to discipline, was 2.8 years. Critics of the system have added this report to their arguments that California's system, based on physician peer expert review, should be junked. Some critics want a replacement system which would use prosecuting attorneys to handle all complaints, a small panel of judges to decide, with the Board playing only an advisory role.

We believe that the system is sound, but staffing must keep up with demand. If the present system is to be preserved, the process must improve. Consequently, the Medical Board has been working hard to tighten-up the investigation process. Last year the Board eliminated a backlog of 900 cases awaiting investigation, and is completing more disciplinary actions than ever before. As the Board becomes more efficient, however, a backlog crisis is being created at the Attorney General. At present, they have over 900 of our cases with over 400 awaiting legal review. Clearly this is unacceptable to the Board, and certainly unacceptable to the public.

We know of no other way to remedy this situation but to give the Attorney General the staff needed to perform the task in a timely manner. Physicians being disciplined usually have access to some of the best legal representation in the State. It is therefore necessary for the State's counsel to be fully staffed and able to meet the challenge.

As it stands now, it appears that fees must be raised from our current \$450 biennial (2 year) fee to \$480 in August, 1992, and to \$550 in 1993. To put this in perspective, California's fees are not the highest. Even after the increases, on a two-year basis, we will be third in the nation (after Connecticut at \$900 and Texas at \$584). Podiatry Licensing Fees are \$800 in California, and Attorney's Fees are almost \$900.

We will continue to work hard to keep fees down to the minimum needed to do our job. We must however, act now to increase our revenue or otherwise physicians must be prepared to have the system replaced with another that probably will cost a great deal more.

Cordially

C. Fredrick Milkie, M.D., President
On behalf of all members of the
Medical Board of California

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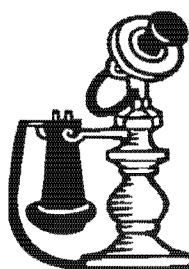
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Overnight letters or packages sent to the Medical Board should be directed to:

1430 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.



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 can not be transferred)

Physicians and Surgeons:

Applications and Examinations	(916) 920-6411
Chief Medical Consultant	(916) 920-6393
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:

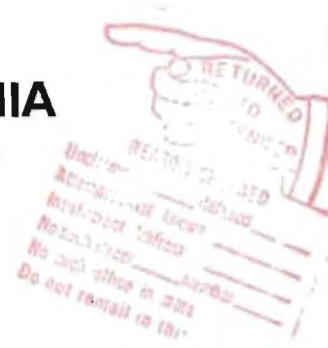
Complaints	(800) 633-2322
Acupuncture	(916) 924-2642
Audiology	(916) 920-6388
Hearing Aid Dispensers	(916) 920-6377
Physical Therapy	(916) 920-6373
Physician Assistant	(916) 924-2626
Podiatry	(916) 920-6347
Psychology	(916) 920-6383
Registered Dispensing Opticians	(916) 924-2612
Respiratory Care	(916)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

ACTION REPORT
 May 1992, Vol. No. 45

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

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 (916) 920-6393

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