

H

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

In the Matter of the Accusation)
Against:)
)
 CECIL A. BRADLEY, M.D.)
 Certificate No. C-34133)
)
 Respondent.)

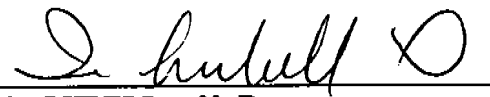
No. 03-93-29006

DECISION

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

This Decision shall become effective on July 30, 1998.

IT IS SO ORDERED June 30, 1998.

By: 
IRA LUBELL, M.D.
Chairperson, Panel A
Division of Medical Quality

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 JANE ZACK SIMON, State Bar No. 116564
Deputy Attorney General
3 California Department of Justice
50 Fremont Street, Suite 300
4 San Francisco, California 94105-2239
Telephone: (415) 356-6286
5 Facsimile: (415) 356-6257

6 Attorneys for Complainant

7
8 **BEFORE THE**
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
9 **STATE OF CALIFORNIA**

10
11 In the Matter of the Accusation Against:) **Case No. 03-93-29006**
12)
12 **CECIL A. BRADLEY M.D.**) **STIPULATION FOR**
14981 National Avenue #6) **SETTLEMENT**
13 Los Gatos, CA 95032-2600)
14 Physician's and Surgeon's Certificate No. C-)
34133,)
15 Respondent.)
16

17
18 IT IS HEREBY STIPULATED by and between Cecil A. Bradley, M.D.
19 (hereinafter "respondent") with the counsel and advice of his attorney, Cynthia L. Schreurs,
20 and complainant Ronald Joseph, in his official capacity as Executive Director of the Medical
21 Board of California ("Board"), by and through its attorney, Daniel E. Lungren, Attorney
22 General, by Jane Zack Simon, Deputy Attorney General, as follows:

23 1. Accusation No. 03-93-29006 is presently pending against Cecil A. Bradley,
24 M.D., physician and surgeon's certificate number C-34133, before the Division of Medical
25 Quality of the Medical Board of California (hereinafter referred to as the "Division").

26 2. The complainant in said Accusation, Ron Joseph is the Executive Director
27 of the Board and brought said Accusation in his official capacity only.

28 / / /

1 3. Respondent has fully discussed with his attorney, Cynthia L. Schreurs, the
2 charges and allegations contained in the Accusation and therefore has been fully advised
3 concerning his rights in this matter.

4 4. Respondent hereby freely and voluntarily waives his right to a hearing on
5 the charges and allegations contained in the Accusation, and further, respondent agrees to
6 waive his right to reconsideration, judicial review and any and all other rights which may be
7 accorded him by the Administrative Procedure Act and other laws of the State of California,
8 excepting his right to petition for reinstatement of his certificate or modification or
9 termination of probation pursuant to Business and Professions Code section 2307.

10 5. All admissions of fact and conclusions of law contained in this stipulation
11 are made exclusively for this proceeding and any future proceedings between the Division
12 and respondent and shall not be deemed to be admissions for any purpose in any other
13 administrative, civil, or criminal action, forum or proceeding.

14 6. Respondent's license history and status as set forth in paragraph 2 of the
15 Accusation is true and correct and respondent's address of record is as set forth in the
16 caption of this Stipulation. (A copy of the Accusation is attached as Exhibit A and
17 incorporated by reference in this stipulation.)

18 7. For purposes of the settlement of the action pending against respondent in
19 case No. 03-93-29006 and to avoid a lengthy administrative hearing, respondent admits that
20 the Board has jurisdiction under section 822 of the Business and Professions Code to adopt
21 this stipulation for settlement as its decision and final resolution of this matter.

22 8. BASED UPON THE FOREGOING RECITALS, IT IS FURTHER
23 STIPULATED AND AGREED that the Medical Board of California, upon its adoption of
24 the Stipulation herein set forth, may, without further notice, prepare a decision and enter the
25 following order:

26 Physician and Surgeon Certificate No. C-34133 heretofore issued to Cecil A.
27 Bradley, M.D., respondent, by the Medical Board of California, is hereby revoked;
28 PROVIDED HOWEVER, that execution of this order of revocation is stayed, and respondent

1 is placed on probation for a period of (4) four years, upon the following terms and
2 conditions:

3 Within 15 days after the effective date of this decision the respondent shall
4 provide the Division, or its designee, proof of service that respondent has served a true copy
5 of this decision on the Chief of Staff or the Chief Executive Officer at every hospital where
6 privileges or membership are extended or where respondent is employed to practice medicine
7 and on the Chief Executive Officer at every insurance carrier where malpractice insurance
8 coverage is extended.

9 **SPECIAL CONDITIONS**

10 (A) **PSYCHOTHERAPY** Within 30 (thirty) days of the effective date of this
11 decision, respondent shall submit to the Division or its designee for its prior approval the
12 name and qualifications of a female psychiatrist of respondent's choice. Upon approval,
13 respondent shall undergo and continue treatment for the duration his probationary period.
14 Respondent shall have the treating psychiatrist submit quarterly status reports to the Division
15 or its designee indicating whether the respondent is capable of practicing medicine safely.

16 (B) **COST RECOVERY** The respondent is hereby ordered to reimburse the
17 Division the amount of \$2,500 (two thousand, five hundred dollars) within ninety (90) days
18 of the effective date of this decision for a portion of its investigative and prosecution costs.
19 Failure to reimburse the Division's cost of investigation and prosecution shall constitute a
20 violation of the probation order, unless the Division agrees in writing to payment by an
21 installment plan because of financial hardship. The filing of bankruptcy by the respondent
22 shall not relieve the respondent of his responsibility to reimburse the Division for its
23 investigative and prosecution costs.

24 (C) **PROBATION COSTS** Respondent shall pay the costs associated with
25 probation monitoring each and every year of probation in the amount of \$600.00 ~~(one~~
26 ~~hundred dollars)~~ ^{H) per 525 + 65} per year. Such costs shall be payable to the Division of Medical Quality
27 and delivered to the designated probation surveillance monitor at the beginning of each
28 calendar year. Failure to pay costs within 30 days of the due date shall constitute a violation

1 of probation.

2 **STANDARD CONDITIONS**

3 (D) **SUPERVISION OF PHYSICIAN ASSISTANTS** Respondent shall not
4 supervise any physician assistants.

5 (E) **OBEY ALL LAWS** Respondent shall obey all federal, state and local
6 laws, all rules governing the practice of medicine in California and remain in full compliance
7 with any court-ordered criminal probation, payments and other orders.

8 (F) **QUARTERLY REPORTS** Respondent shall submit quarterly
9 declarations under penalty of perjury on forms provided by the Division stating whether there
10 has been compliance with all the conditions of probation.

11 (G) **PROBATION SURVEILLANCE PROGRAM COMPLIANCE**
12 Respondent shall comply with the Division's probation surveillance program. Respondent
13 shall, at all times, keep the Division informed of his addresses of business and residence
14 which shall both serve as addresses of record. Changes of such addresses shall be
15 immediately communicated in writing to the Division. Under no circumstances shall a post
16 office box serve as an address of record.

17 Respondent shall also immediately inform the Division, in writing, of any
18 travel to any areas outside the jurisdiction of California which lasts, or is contemplated to
19 last, more than thirty (30) days.

20 (H) **INTERVIEW WITH THE DIVISION, ITS DESIGNEE, OR ITS**
21 **DESIGNATED PHYSICIAN** Respondent shall appear in person for interviews with the
22 Division, its designee or its designated physician(s) upon request at various intervals and with
23 reasonable notice.

24 (I) **TOLLING OF PROBATION** In the event respondent should leave
25 California to reside or to practice outside the State or for any reason should respondent stop
26 practicing medicine in California, respondent shall notify the Division or its designee in
27 writing within ten days of the dates of departure and return or the dates of non-practice
28 within California. Non-practice is defined as any period of time exceeding thirty days in

1 which respondent is not engaging in any activities defined in Sections 2051 and 2052 of the
2 Business and Professions Code. All time spent in an intensive training program approved by
3 the Division or its designee shall be considered as time spent in the practice of medicine.
4 Periods of temporary or permanent residence or practice outside California or of non-practice
5 within California, as defined in this condition, will not apply to the reduction of the
6 probationary period.

7 (J) **COMPLETION OF PROBATION** Upon successful completion of
8 probation, respondent's certificate shall be fully restored.

9 (K) **VIOLATION OF PROBATION** If respondent violates probation in any
10 respect, the Division, after giving respondent notice and the opportunity to be heard, may
11 revoke probation and carry out the disciplinary order that was stayed. If an accusation or
12 petition to revoke probation is filed against respondent during probation, the Board shall have
13 continuing jurisdiction until the matter is final, and the period of probation shall be extended
14 until the matter is final.

15 (L) **LICENSE SURRENDER** Following the effective date of this probation,
16 if respondent ceases practicing due to retirement, health reasons or is otherwise unable to
17 satisfy the terms and conditions of probation, respondent may voluntarily tender his
18 certificate to the Division. The Division reserves the right to evaluate the respondent's
19 request and to exercise its discretion whether to grant the request, or to take any other action
20 deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the
21 tendered license, respondent will no longer be subject to the terms and conditions of
22 probation.

23 9. **IT IS FURTHER STIPULATED AND AGREED** that the terms set forth
24 herein shall be null and void, and in no way binding upon the parties hereto, unless and until
25 accepted by the Medical Board of California. Respondent further agrees that in addition to
26 submitting this stipulation to the Board for acceptance and adoption, counsel for complainant
27 may also submit to the Board a memorandum recommending the stipulation's adoption.
28 Respondent agrees that the memorandum recommending adoption shall not, under any

1 circumstances, be discoverable or disclosed to respondent.

2
3 **ACCEPTANCE**

4 I HEREBY CERTIFY that I have read this Stipulation for settlement in its
5 entirety, that I fully understand the terms of this Stipulation, and I voluntarily agree to them.
6 I agree that a FAX copy of my signature shall be binding upon me.

7 IN WITNESS THEREOF, I affix my signature this 26 day of May,
8 1998 at Burlingame, California.

9
10 
11 CECIL A. BRADLEY
Respondent

12 I have fully discussed with respondent Cecil A. Bradley, M.D. the terms and
13 conditions and other matters contained in the above Stipulated Settlement and Decision and
14 approve its form and content.

15 DATED: May 26, 1998

16
17 
18 CYNTHIA L. SCHREURS
Attorney for Respondent

19 **ENDORSEMENT**

20 The foregoing Stipulated Settlement and Decision is hereby respectfully
21 submitted for consideration of the Division of Medical Quality, Medical Board of California,
22 Department of Consumer Affairs.

23 DATED: 6/4/98

24 DANIEL E. LUNGREN, Attorney General
of the State of California

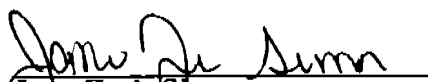
25
26 
27 Jane Zack Simon
28 Deputy Attorney General

EXHIBIT A

H

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 JANE ZACK SIMON
Deputy Attorney General
3 50 Fremont Street, Suite 300
San Francisco, California 94105
4 Telephone: (415) 356-6286
Facsimile: (415) 356-6257

5 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO January 30 19 98
BY H. H. Johnson ANALYST

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

13 In the Matter of the Accusation Against:)

No. 03-93-29006

14 **CECIL A. BRADLEY, M.D.**)

ACCUSATION

15 14981 National Ave. #6)

16 Los Gatos, CA 95032-2600)

17 Physician's and Surgeon's Certificate No. C-34133)

18 Respondent.)

19 Complainant Ron Joseph alleges as follows:

20 1. Complainant is the Executive Director of the Medical Board of
21 California, Department of Consumer Affairs, State of California (hereinafter referred to as
22 the "Board") and makes and files this Accusation solely in his official capacity and not
23 otherwise.

24 2. On or about April 11, 1972, the Board issued to respondent Cecil A.
25 Bradley, M.D. (hereinafter referred to as "respondent") Physician and Surgeon's Certificate
26 No. C-34133. Said certificate is presently in good standing with an expiration date of
27 October 31, 1999. There is no Board record of prior disciplinary action having been taken
28 against respondent in the State of California.

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STATUTES

3. Section 2001 of the Business and Professions Code¹ provides for the existence of the Board.

4. Section 2003 provides for the existence of the Division of Medical Quality (hereinafter referred to as the "Division") within the Board.

5. Section 2004 provides, inter alia, that the Division is responsible for the administration and hearing of disciplinary actions involving enforcement of the Medical Practice Act (section 2000 *et seq.* of the Code) and the carrying out of disciplinary action appropriate to findings made by a Medical Quality Review Committee, the Division, or an Administrative Law Judge.

6. Section 2229 subdivision (a) provides that protection of the public shall be the highest priority for the Division of Medical Quality and administrative law judges in exercising disciplinary authority.

7. Section 822 provides, in pertinent part, that if the Board determines that the licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the Board may take action by revoking or suspending the licentiate's license, placing the licentiate on probation, or taking such other action as the Board in its discretion deems proper. Such disciplinary proceedings shall be conducted in accordance with Chapter 5 (commencing with section 11500) of Part 1 or Division 3 of Title 2 of the Government Code and the Board and the licentiate shall have all the rights and powers granted therein.

8. Sections 2220, 2234, and 2227 together provide that the Division of Medical Quality shall take disciplinary action against any licensee who is charged with unprofessional conduct.

9. Section 125.3, subdivisions (a) and (c) state, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before any board within the

¹All statutory references are to the Business and Professions Code unless otherwise indicated.

1 department [of Consumer Affairs], the board may request the administrative law judge to
2 direct a licensee found to have committed a violation or violations of the licensing act to
3 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
4 case. A certified copy of the actual costs, or a good faith estimate of costs where actual
5 costs are not available, signed by the entity bringing the proceeding or its designated
6 representative shall be prima facie evidence of reasonable costs of investigation and
7 prosecution of the case. The costs shall include the amount of investigative and enforcement
8 costs up to the date of the hearing, including, but not limited to, charges imposed by the
9 Attorney General.

10 10. Section 16.01 of the 1997-98 California Budget Act provides as
11 follows:

- 12 "(a) No funds appropriated by this act may be expended to pay any
13 Medi-Cal claim for any service performed by a physician while
14 that physician's license is under suspension or revocation due to
15 a disciplinary action of the Medical Board of California.
- 16 "(b) No funds appropriated by this act may be expended to pay any
17 Medi-Cal claim for any surgical service or other invasive
18 procedure performed on any Medi-Cal beneficiary by a
19 physician if that physician has been placed on probation due to a
20 disciplinary action of the Medical Board of California related to
21 the performance of that specific service or procedure on any
22 patient, except in any case where the board makes a
23 determination during its disciplinary process that there exist
24 compelling circumstances that warrant continued Medi-Cal
25 reimbursement during the probationary period.
- 26 "(c) The State Department of Health Services shall ensure that no
27 Medi-Cal claim is paid in violation of subdivision (a) or (b).
- 28 "(d) The Medical Board of California shall work with the State
 Department of Health Services to provide all information
 necessary to accomplish the purposes of this section. The board
 and the department shall report to the Legislature, upon the
 conclusion of each calendar quarter of the 1996-97 fiscal year,
 the number of physicians on probation who are not receiving
 Medi-Cal reimbursement as a result of this section, and the
 number of physicians on probation who continue to be eligible
 for Medi-Cal reimbursement as a result of a determination of
 the board."

11. Section 2227 of the Code provides that a licensee who is found guilty
under the Medical Practice Act may have his license revoked, suspended for a period not to

1 exceed one year, placed on probation and required to pay the costs of probation monitoring,
2 or such other action taken in relation to discipline as the Division deems proper.

3
4 **FIRST CAUSE FOR DISCIPLINARY ACTION**

5 12. Respondent is subject to disciplinary action under Section 822 in that
6 his ability to practice his profession safely is impaired as more particularly alleged in the
7 following paragraphs.

8 13. On or about July, 1994, the Board received a report from Oak Creek
9 Hospital pursuant to the provisions of Business and Professions Code section 805. Said
10 report indicated that respondent had failed to renew his staff privileges during the course of a
11 Hospital investigation of a complaint against him of sexual harassment. The 805 report also
12 indicated that respondent had failed to undergo a psychiatric evaluation that the Hospital had
13 requested. Further Board investigation revealed that respondent, a psychiatrist, had
14 repeatedly engaged in inappropriate sexual behavior with female co-workers and patients.

15 14. On or about September, 1997, respondent agreed to undergo a
16 voluntary psychiatric evaluation. On or about November 5, 1997, respondent underwent a
17 voluntary psychiatric evaluation conducted by Richard J. Corelli, M.D. Dr. Corelli reached
18 a diagnosis of Axis I: obsessive-compulsive disorder and alcoholism sustained full remission;
19 Axis II, obsessive-compulsive personality disorder. Dr. Corelli concluded that respondent
20 "has demonstrated a rather consistent pattern of poor judgement and difficulty with boundary
21 issues and professional roles that is of significant concern as to his ability to practice
22 medicine safely." Dr. Corelli stated that respondent has an "impaired ability to practice
23 medicine with safety to the public and that he requires psychotherapy at this time in order to
24 practice medicine safely."

25 15. Based on Dr. Corelli's conclusions and recommendation, it has been
26 determined that respondent's ability to practice his profession safely is impaired because of
27 mental illness and that, accordingly, grounds for disciplinary action are established under
28 Business and Professions Code section 822.

PRAYER

WHEREFORE, complainant prays that the Division hold a hearing on the matters alleged herein and, following said hearing, issue an order:

1. Suspending or revoking physician and surgeon's certificate number C-34133 heretofore issued to Cecil A. Bradley;
2. Revoking, suspending or denying approval of the respondent's authority to supervise physician's assistants, pursuant to Business and Professions Code section 3527;
3. Ordering respondent to pay the Board the actual and reasonable costs of the investigation and enforcement of this case; and, if placed on probation, the costs of probation monitoring;
4. Taking such other and further action as is deemed just and proper to protect the public health, safety and welfare.

DATED: January 30, 1998



RON JOSEPH
Executive Director
Medical Board of California

Complainant