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

In the Matter of the Accusation Against:	)	
STEVEN LOUIS MANDEL, M.D. Certificate No. G-28631	)	No: 17-2001-123902
Respondent	)	

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Division of Medical Quality as its Decision in the above-entitled matter.

This Decision shall become effective at 5:00 p.m. on February 17, 2005

IT IS SO ORDERED January 18, 2005

By: _____
RONALD L. MOY, M.D.
Chair - Panel B
Division of Medical Quality

BILL LOCKYER, Attorney General
of the State of California
ROBERT S. EISMAN, State Bar No. 175336
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2575
Facsimile: (213) 897-2804

Attorneys for Complainant

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

In the Matter of the First Amended Accusation Against: STEVEN LOUIS MANDEL, M.D. 269 S. Roxbury Drive Beverly Hills, CA 90212 Physician's and Surgeon's Certificate No. G 28631 Respondent.	Case No. 17-2001-123902 OAH No. L-2003010289 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. David T. Thornton (Complainant) is the Executive Director of the Medical Board of California. He brought this action solely in his official capacity and is represented in this matter by Bill Lockyer, Attorney General of the State of California, by Robert S. Eisman, Deputy Attorney General.

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2. Respondent Steven Louis Mandel, M.D. (Respondent) is represented in this proceeding by attorney Henry R. Fenton, whose address is Law Offices of Henry R. Fenton, 11835 W. Olympic Boulevard, Suite 705, Los Angeles, CA 90064.

3. On or about December 18, 1974, the Medical Board of California issued Physician's and Surgeon's Certificate No. G 28631 to Steven Louis Mandel, M.D. (Respondent). The Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 17-2001-123902 and will expire on April 30, 2006, unless renewed.

JURISDICTION

4. Accusation No. 17-2001-123902 was filed before the Division of Medical Quality (Division) for the Medical Board of California, Department of Consumer Affairs, and, with all other statutorily required documents, was properly served on Respondent on December 11, 2002. Respondent timely filed his Notice of Defense contesting the Accusation. First Amended Accusation No. 17-2001-123902 was filed before the Division and, with all other statutorily required documents, was properly served on Respondent on November 13, 2001. The First Amended Accusation supplants in its entirety the Accusation, and is currently pending against Respondent. A copy of First Amended Accusation No. 17-2001-123902 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Accusation No. 17-2001-123902. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-

examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent understands and agrees that the charges and allegations in First Amended Accusation No. 17-2001-123902, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

9. For the purpose of resolving the First Amended Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the First Amended Accusation, and that Respondent hereby gives up his right to contest those charges.

10. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Division's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Division of Medical Quality. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Division regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Division considers and acts upon it. If the Division fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any

legal action between the parties, and the Division shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Division may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's & Surgeon's Certificate No. G 28631 issued to Respondent Steven Louis Mandel, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1. NOTIFICATION. Prior to engaging in the practice of medicine, the Respondent shall provide a true copy of the Decision(s) and Accusation(s) to the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to Respondent, at any other facility where Respondent engages in the practice of medicine, including all physician and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage to Respondent. Respondent shall submit proof of compliance to the Division or its designee within 15 calendar days.

This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

2. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is prohibited from supervising physician assistants.

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3. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California, and remain in full compliance with any court ordered criminal probation, payments and other orders.

4. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Division, stating whether there has been compliance with all the conditions of probation. Respondent shall submit quarterly declarations not later than 10 calendar days after the end of the preceding quarter.

5. PROBATION UNIT COMPLIANCE. Respondent shall comply with the Division's probation unit. Respondent shall, at all times, keep the Division informed of Respondent's business and residence addresses. Changes of such addresses shall be immediately communicated in writing to the Division or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021(b).

Respondent shall not engage in the practice of medicine in Respondent's place of residence. Respondent shall maintain a current and renewed California physician's and surgeon's license.

Respondent shall immediately inform the Division, or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than 30 calendar days.

6. INTERVIEW WITH THE DIVISION, OR ITS DESIGNEE. Respondent shall be available in person for interviews either at Respondent's place of business or at the probation unit office, with the Division or its designee, upon request at various intervals, and either with or without prior notice throughout the term of probation.

7. EDUCATION COURSE. Within 60 calendar days of the effective date of this Decision, and on an annual basis thereafter, Respondent shall submit to the Division or its designee for its prior approval educational program(s) or course(s) which

shall not be less than 15 hours per year, for each year of probation. The educational program(s) or course(s) shall be aimed at correcting any areas of deficient practice or knowledge and shall be Category I certified, limited to classroom, conference, or seminar settings. The educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure. Following the completion of each course, the Division or its designee may administer an examination to test Respondent's knowledge of the course. Respondent shall provide proof of attendance for 40 hours of continuing medical education of which 15 hours were in satisfaction of this condition.

8. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective date of this decision, Respondent shall enroll in a course in medical record keeping, at Respondent's expense, approved in advance by the Division or its designee. Failure to successfully complete the course during the first 6 months of probation is a violation of probation.

A medical record keeping course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Division or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Division or its designee had the course been taken after the effective date of this Decision.

Respondent shall submit a certification of successful completion to the Division or its designee not later than 15 calendar days after successfully completing the course, or not later than 15 calendar days after the effective date of the Decision, whichever is later.

9. CLINICAL TRAINING PROGRAM. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a clinical training or educational program equivalent to the Physician Assessment and Clinical Education Program (PACE) offered at the University of California - San Diego School of Medicine (Program).

The Program shall consist of a Comprehensive Assessment program comprised of a two-day assessment of Respondent's physical and mental health; basic clinical and communication skills common to all clinicians; and medical knowledge, skill and judgment pertaining to Respondent's specialty or sub-specialty, and at minimum, a 40 hour program of clinical education in the area of practice in which Respondent was alleged to be deficient and which takes into account data obtained from the assessment, Decision(s), Accusation(s), and any other information that the Division or its designee deems relevant. Respondent shall pay all expenses associated with the clinical training program.

Based on Respondent's performance and test results in the assessment and clinical education, the Program will advise the Division or its designee of its recommendation(s) for the scope and length of any additional educational or clinical training, treatment for any medical condition, treatment for any psychological condition, or anything else affecting Respondent's practice of medicine. Respondent shall comply with Program recommendations.

At the completion of any additional educational or clinical training, Respondent shall submit to and pass an examination. The Program's determination whether or not Respondent passed the examination or successfully completed the Program shall be binding.

Respondent shall successfully complete the Program and so notify the Division, in writing, not later than May 16, 2005, unless the Division or its designee agrees in writing to a later time for completion.

Failure to participate in and successfully complete all phases of the clinical training program outlined above and within the specified time limitations, is a violation of probation.

10. RESIDING OR PRACTICING OUT-OF-STATE. In the event Respondent should leave the State of California to reside or to practice, Respondent shall notify the Division or its designee in writing 30 calendar days prior to the dates of

departure and return. Non-practice is defined as any period of time exceeding 30 calendar days in which Respondent is not engaging in any activities defined in Sections 2051 and 2052 of the Business and Professions Code.

All time spent in an intensive training program outside the State of California which has been approved by the Division or its designee shall be considered as time spent in the practice of medicine within the State. A Board-ordered suspension of practice shall not be considered as a period of non-practice. Periods of temporary or permanent residence or practice outside California will not apply to the reduction of the probationary term. Periods of temporary or permanent residence or practice outside California will relieve Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; Probation Unit Compliance; and Cost Recovery.

Respondent's license shall be automatically cancelled if Respondent's periods of temporary or permanent residence or practice outside California total two years. However, Respondent's license shall not be cancelled as long as Respondent is residing and practicing medicine in another state of the United States and is on active probation with the medical licensing authority of that state, in which case the two year period shall begin on the date probation is completed or terminated in that state.

11. FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT. In the event Respondent resides in the State of California and for any reason Respondent stops practicing medicine in California, Respondent shall notify the Division or its designee in writing within 30 calendar days prior to the dates of non-practice and return to practice. Any period of non-practice within California, as defined in this condition, will not apply to the reduction of the probationary term and does not relieve Respondent of the responsibility to comply with the terms and conditions of probation. Non-practice is defined as any period of time exceeding 30 calendar days in

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which Respondent is not engaging in any activities defined in sections 2051 and 2052 of the Business and Professions Code.

All time spent in an intensive training program which has been approved by the Division or its designee shall be considered time spent in the practice of medicine. For purposes of this condition, non-practice due to a Board-ordered suspension or in compliance with any other condition of probation, shall not be considered a period of non-practice.

Respondent's license shall be automatically cancelled if Respondent resides in California and for a total of two years, fails to engage in California in any of the activities described in Business and Professions Code sections 2051 and 2052.

12. COMPLETION OF PROBATION. Respondent shall comply with all financial obligations (e.g., cost recovery, restitution, probation costs) not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, Respondent's certificate shall be fully restored.

13. VIOLATION OF PROBATION. Failure to fully comply with any term or condition of probation is a violation of probation. If Respondent violates probation in any respect, the Division, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, Petition to Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation, the Division shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

14. COST RECOVERY. Within 90 calendar days from the effective date of the Decision or other period agreed to by the Division or its designee, Respondent shall reimburse the Division the amount of $5,000.00 for its investigative and prosecution costs. The filing of bankruptcy or period of non-practice by Respondent shall not relieve the Respondent of his obligation to reimburse the Division for its costs.

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15. LICENSE SURRENDER. Following the effective date of this Decision, if Respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request the voluntary surrender of Respondent's license. The Division reserves the right to evaluate Respondent's request and to exercise its discretion whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Division or its designee and Respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation and the surrender of Respondent's license shall be deemed disciplinary action. If Respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

16. PROBATION MONITORING COSTS. Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Division, which are currently set at $2,874.00, but may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Division or its designee no later than January 31 of each calendar year. Failure to pay costs within 30 calendar days of the due date is a violation of probation.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Henry R. Fenton. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Division of Medical Quality, Medical Board of California.

DATED: December 10 2004.

STEVEN LOUIS MANDEL, M.D.

Respondent

I have read and fully discussed with Respondent Steven Louis Mandel, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: December 10, 2004

HENRY R. FENTON

Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Division of Medical Quality, Medical Board of California of the Department of Consumer Affairs.

DATED: 12/10/04.

BILL LOCKYER, Attorney General
of the State of California

ROBERT S. EISMAN
Deputy Attorney General

Attorneys for Complainant

DOJ Docket/Matter ID Number: LA2002AD2373

Exhibit A

First Amended Accusation No. 17-2001-123902

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Sept. 28, 2004
BY Eileen Kupsinel ANALYST

BILL LOCKYER, Attorney General
of the State of California
ROBERT S. EISMAN, State Bar No. 175336
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-7007
Facsimile: (213) 897-1071

Attorneys for Complainant

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

In the Matter of the Accusation Against: STEVEN LOUIS MANDEL, M.D. 269 South Beverly Drive Beverly Hills, CA 90212 Physician and Surgeon's Certificate No. G 28631 Respondent.	Case No. 17-2001-123902 OAH No. L-2003090636 **FIRST AMENDED ACCUSATION**

Complainant alleges:

PARTIES

1. Dave Thornton (Complainant) brings this First Amended Accusation solely in his official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs. This First Amended Accusation supplants in its entirety the Accusation filed in this matter on December 11, 2002.

2. On December 18, 1974, the Medical Board of California issued Physician and Surgeon's Certificate Number G 28631 to Steven Louis Mandel, M.D. (Respondent). The Physician and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2006, unless renewed.

JURISDICTION

3. This Accusation is brought before the Division of Medical Quality (Division), Medical Board of California, under the authority of the following sections of the Business and Professions Code.

4. Business and Professions Code Section 2227, subdivision (a), states:

"A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the division, may, in accordance with the provisions of this chapter:

"(1) Have his or her license revoked upon order of the division.

"(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the division.

"(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the division.

"(4) Be publicly reprimanded by the division.

"(5) Have any other action taken in relation to discipline as part of an order of probation, as the division or an administrative law judge may deem proper."

5. Business and Professions Code Section 2234 states, in pertinent part:

" The Division of Medical Quality shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

"(b) Gross negligence.

"(c) Repeated negligent acts. . . .

"(d) Incompetence.

"(e) The commission of any act involving dishonesty or corruption which is

substantially related to the qualifications, functions, or duties of a physician and surgeon.

"(f) Any action or conduct which would have warranted the denial of a certificate."

6. Business and Professions Code Section 3527 states, in pertinent part:

"(c) The board may order the denial of an application for, or the issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition of probationary conditions upon, an approval to supervise a physician assistant, after a hearing as required in Section 3528, for unprofessional conduct . . . .

"(d) Notwithstanding subdivision (c), the Division of Medical Quality of the Medical Board of California, in conjunction with an action it has commenced against a physician and surgeon, may, in its own discretion and without the concurrence of the board, order the suspension or revocation of, or the imposition of probationary conditions upon, an approval to supervise a physician assistant, after a hearing as required in Section 3528, for unprofessional conduct . . . ."

7. Welfare and Institutions Code section 14124.12, subdivision (a), states:

"Upon receipt of written notice from the Medical Board of California, the Osteopathic Medical Board of California, or the Board of Dental Examiners of California, that a licensee's license has been placed on probation as a result of a disciplinary action, the department may not reimburse any Medi-Cal claim for the type of surgical service or invasive procedure that gave rise to the probation, including any dental surgery or invasive procedure, that was performed by the licensee on or after the effective date of probation and until the termination of all probationary terms and conditions or until the probationary period has ended, whichever occurs first. This section shall apply except in any case in which the relevant licensing board determines that compelling circumstances warrant the continued reimbursement during the probationary period of any Medi-Cal claim, including any claim for dental services, as so described. In such a case, the department shall continue to reimburse the licensee for all procedures, except for those

invasive or surgical procedures for which the licensee was placed on probation."

8. Business and Professions Code section 125.3, subdivision (a), states, in pertinent part:

"Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department . . . the board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case."

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence – Patient No. 1)

9. Respondent is subject to disciplinary action under Business and Professions Code section 2234, subdivision (b), in that on or about March 2, 2001, Respondent was grossly negligent in his care and treatment of surgery Patient No.1[1] in Respondent's role as an anesthesiologist at the Brotman Medical Center in Culver City, California. The circumstances are as follows:

10. On or about March 2, 2001, Patient No. 1, a 67-year-old female, underwent an exploratory laparotomy. Respondent (a) failed to perform an adequate pre-operative evaluation of the patient, (b) failed to maintain adequate ventilation and oxygenation during the surgery, and (c) failed to provide adequate intra-venous fluids.

11. Respondent's care and treatment of Patient No.1 constituted an extreme departure from the standard of care in that Respondent failed to maintain adequate ventilation and oxygenation during surgery.

12. Respondent's care and treatment of Patient No.1 constituted an extreme departure from the standard of care in that Respondent failed to provide adequate intra-venous fluids.

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1. In this Accusation the patients will be referred to by numbers. To the extent that the patients' identities are known to Complainant, the patients' identities will be disclosed to Respondent upon a proper request for discovery.

SECOND CAUSE FOR DISCIPLINE

(Gross Negligence – Patient No. 2)

13. Respondent is subject to disciplinary action under Business and Professions Code section 2234, subdivision (b), in that on or about January 5, 2001, Respondent was grossly negligent in his care and treatment of surgery Patient No. 2, in Respondent's role as an anesthesiologist at the Brotman Medical Center in Culver City, California. The circumstances are as follows:

14. On or about January 5, 2001, Patient No. 2, a 56-year-old male, underwent an exploratory laparotomy. Respondent (a) failed to perform an adequate pre-operative evaluation of the patient, and (b) administered labetalol to the patient when the patient was dependent on a rapid heart rate in order to obtain adequate cardiac output.

15. Respondent's care and treatment of Patient No. 2 constituted an extreme departure from the standard of care in that Respondent administered labetalol to Patient No. 2 when the patient was dependent on a rapid heart rate in order to obtain adequate cardiac output.

THIRD CAUSE FOR DISCIPLINE

(Gross Negligence – Patient No. 3)

16. Respondent is subject to disciplinary action under Business and Professions Code section 2234, subdivision (b), in that on or about June 27, 2001, Respondent was grossly negligent in his care and treatment of of surgery Patient No. 3, in Respondent's role as an anesthesiologist at the Brotman Medical Center in Culver City, California. The circumstances are as follows:

17. On or about June 27, 2001, Patient No. 3, a 69-year-old female, underwent surgery. Respondent (a) failed to perform an adequate pre-operative evaluation of the patient, (b) failed to formulate an adequate anesthesia plan for the patient, and (c) administered an excessive dose of tetracaine to the patient.

18. Respondent's care and treatment of Patient No. 3 constituted an extreme departure from the standard of care in that Respondent failed to perform an

adequate pre-operative evaluation of the patient and failed to formulate an adequate anesthesia plan for the patient.

19. Respondent's care and treatment of Patient No. 3 constituted an extreme departure from the standard of care in that Respondent administered an excessive dose of tetracaine to the patient.

FOURTH CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

20. Respondent is subject to disciplinary action under Business and Professions Code section 2234, subdivision (c), in that he was repeatedly negligent in his care and treatment of surgery patients in his role as an anesthesiologist at the Brotman Medical Center in Culver City, California. The circumstances are as follows:

21. The circumstances regarding Patient No. 1, a 67-year-old female, as alleged above in paragraphs 10, 11, and 12, are re-alleged and incorporated herein by reference. Respondent's care and treatment of Patient No. 1 departed from the standard of care in that Respondent (a) failed to perform an adequate pre-operative evaluation of the patient, (b) failed to maintain adequate ventilation and oxygenation during the surgery, and (c) failed to provide adequate intra-venous fluids.

22. The circumstances regarding Patient No. 2, a 56-year-old male, as alleged above in paragraph 14 and 15, are re-alleged and incorporated herein by reference. Respondent's care and treatment of Patient No. 2 departed from the standard of care in that Respondent (a) failed to perform an adequate pre-operative evaluation of the patient, and (b) administered labetalol to the patient when the patient was dependent on a rapid heart rate in order to obtain adequate cardiac output.

23. The circumstances regarding Patient No. 3, a 69-year-old female, as alleged above in paragraph 17, 18, and 19, are re-alleged and incorporated herein by reference. Respondent's care and treatment of Patient No. 3 departed from the standard of care in that Respondent (a) failed to perform adequate pre-operative evaluation of the patient, (b) failed to formulate an adequate anesthesia plan for the patient, and (c)

administered an excessive dose of tetracaine to the patient.

24. On or about January 26, 2001, Patient No. 4, an 86-year-old female, underwent a left femoral-popliteal bypass with a graft. Respondent's care and treatment of this patient departed from the standard of care in that Respondent (a) failed to perform an adequate pre-operative evaluation of the patient, (b) failed to formulate an adequate anesthesiology plan for the patient, (c) failed to maintain adequate ventilation and oxygenation for the patient during the operation, (d) failed to maintain adequate oxygenation and ventilation for the patient in the post-anesthesia care unit, and (e) failed to record blood gas results.

25. On or about April 10, 2001, Patient No. 5, an 83-year-old female, underwent a right femoral to anterior tibial artery bypass graft. Respondent's care and treatment of this patient departed from the standard of care in that Respondent failed to perform an adequate pre-operative evaluation of the patient.

26. On or about May 10, 2001, Patient No. 6, a 70 year-old female, underwent a hemicolectomy. Respondent's care and treatment of this patient departed from the standard of care in that Respondent (a) failed to perform an adequate pre-operative evaluation of the patient, and (b) failed to provide adequate fluid management during the operation.

FIFTH CAUSE FOR DISCIPLINE

(Incompetence)

27. Respondent is subject to disciplinary action under Business and Professions Code section 2234, subdivision (d), in that his failure to perform an adequate pre-operative evaluation of Patient No. 2, on or about January 5, 2001, demonstrated incompetence. The circumstances as alleged above in paragraphs 14, 15, and 22, are re-alleged and incorporated herein by reference.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Division of Medical Quality issue a decision:

1. Revoking or suspending Physician and Surgeon's Certificate No. G 28631, issued to Steven Louis Mandel, M.D.;

2. Revoking, suspending, or denying approval of the authority for Steven Louis Mandel, M.D., to supervise physician's assistants, pursuant to Business and Professions Code section 3527;

3. Ordering Steven Louis Mandel, M.D. to pay the Division of Medical Quality the 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 deemed necessary and proper.

DATED: September 28, 2004 .

DAVE THORNTON
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant