

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)

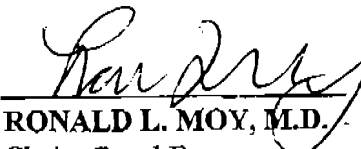
DECISION

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

1 BILL LOCKYER, Attorney General
2 of the State of California
3 ROBERT S. EISMAN, State Bar No. 175336
4 Deputy Attorney General
5 California Department of Justice
6 300 So. Spring Street, Suite 1702
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10 Attorneys for Complainant

11
12 **BEFORE THE**
13 **DIVISION OF MEDICAL QUALITY**
14 **MEDICAL BOARD OF CALIFORNIA**
15 **DEPARTMENT OF CONSUMER AFFAIRS**
16 **STATE OF CALIFORNIA**
17

18 In the Matter of the First Amended Accusation
19 Against:

20 STEVEN LOUIS MANDEL, M.D.
21 269 S. Roxbury Drive
22 Beverly Hills, CA 90212

23 Physician's and Surgeon's Certificate No. G 28631

24 Respondent.

Case No. 17-2001-123902

OAH No. L-2003010289

**STIPULATED SETTLEMENT
AND DISCIPLINARY ORDER**

25 IT IS HEREBY STIPULATED AND AGREED by and between the
26 parties to the above-entitled proceedings that the following matters are true:
27

28 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

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

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

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

9
10 **DISCIPLINARY ORDER**

11 IT IS HEREBY ORDERED that Physician's & Surgeon's Certificate No. G
12 28631 issued to Respondent Steven Louis Mandel, M.D. is revoked. However, the
13 revocation is stayed and Respondent is placed on probation for five (5) years on the
14 following terms and conditions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 The Program shall consist of a Comprehensive Assessment program
2 comprised of a two-day assessment of Respondent's physical and mental health; basic
3 clinical and communication skills common to all clinicians; and medical knowledge, skill
4 and judgment pertaining to Respondent's specialty or sub-specialty, and at minimum, a
5 40 hour program of clinical education in the area of practice in which Respondent was
6 alleged to be deficient and which takes into account data obtained from the assessment,
7 Decision(s), Accusation(s), and any other information that the Division or its designee
8 deems relevant. Respondent shall pay all expenses associated with the clinical training
9 program.

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

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

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

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

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

1 departure and return. Non-practice is defined as any period of time exceeding 30
2 calendar days in which Respondent is not engaging in any activities defined in Sections
3 2051 and 2052 of the Business and Professions Code.

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

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

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

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

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

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

11 12. COMPLETION OF PROBATION. Respondent shall comply with
12 all financial obligations (e.g., cost recovery, restitution, probation costs) not later than
13 120 calendar days prior to the completion of probation. Upon successful completion of
14 probation, Respondent's certificate shall be fully restored.

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

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

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

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

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DATED: December 10 2024.

Respondent

DATED December 10, 2004


HENRY R. FENTON
Attorney for Respondent


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1 ENDORSEMENT

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

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6 DATED: 12/10/04.

7 BILL LOCKYER, Attorney General
8 of the State of California

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10 
11 ROBERT S. EISMAN
12 Deputy Attorney General

13 Attorneys for Complainant
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Exhibit A

First Amended Accusation No. 17-2001-123902

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

7
8 **BEFORE THE**
9 **DIVISION OF MEDICAL QUALITY**
10 **MEDICAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 STEVEN LOUIS MANDEL, M.D.
269 South Beverly Drive
14 Beverly Hills, CA 90212

15 Physician and Surgeon's Certificate No. G 28631

16 Respondent.

Case No. 17-2001-123902

OAH No. L-2003090636

**FIRST AMENDED
ACCUSATION**

17
18 Complainant alleges:

19 **PARTIES**

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

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

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3. This Accusation is brought before the Division of Medical Quality

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1 substantially related to the qualifications, functions, or duties of a physician and surgeon.
2 "(f) Any action or conduct which would have warranted the denial of a
3 certificate."

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

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

9 "(d) Notwithstanding subdivision (c), the Division of Medical Quality of the
10 Medical Board of California, in conjunction with an action it has commenced against a
11 physician and surgeon, may, in its own discretion and without the concurrence of the
12 board, order the suspension or revocation of, or the imposition of probationary conditions
13 upon, an approval to supervise a physician assistant, after a hearing as required in Section
14 3528, for unprofessional conduct"

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

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

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

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

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

9 FIRST CAUSE FOR DISCIPLINE

10 (Gross Negligence – Patient No. 1)

11 9. Respondent is subject to disciplinary action under Business and
12 Professions Code section 2234, subdivision (b), in that on or about March 2, 2001,
13 Respondent was grossly negligent in his care and treatment of surgery Patient No.1¹ in
14 Respondent's role as an anesthesiologist at the Brotman Medical Center in Culver City,
15 California. The circumstances are as follows:

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

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

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

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

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

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

6 FOURTH CAUSE FOR DISCIPLINE

7 (Repeated Negligent Acts)

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

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

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

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

1 administered an excessive dose of tetracaine to the patient.

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

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

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

19 FIFTH CAUSE FOR DISCIPLINE

20 (Incompetence)

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

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1 PRAYER

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

5 1. Revoking or suspending Physician and Surgeon's Certificate No. G
6 28631, issued to Steven Louis Mandel, M.D.;

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

10 3. Ordering Steven Louis Mandel, M.D. to pay the Division of Medical
11 Quality the reasonable costs of the investigation and enforcement of this case and, if
12 placed on probation, the costs of probation monitoring;

13 4. Taking such other and further action as deemed necessary and
14 proper.

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16 DATED: September 28, 2004 .

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20 DAVE THORNTON
21 Executive Director
22 Medical Board of California
23 Department of Consumer Affairs
24 State of California

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27 Complainant
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