

1 XAVIER BECERRA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 RICHARD D. MARINO
Deputy Attorney General
4 State Bar No. 90471
California Department of Justice
5 300 South Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 269-6444
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke
Probation Against:

Case No. 800-2017-032795

12 EUGEN MICHAEL MOLNAR, M.D.

**DEFAULT DECISION
AND ORDER**

13 9692 Norfolk Drive
14 Santa Ana, CA 92705

[Gov. Code, §11520]

15 Physician's and Surgeon's Certificate No.
16 A 24674,

17 Respondent.

18
19 FINDINGS OF FACT

20 1. On September 7, 2017, Complainant Kimberly Kirchmeyer, in her official capacity as
21 the Executive Director of the Medical Board of California, Department of Consumer Affairs, filed
22 Petition to Revoke Probation No. 800-2017-032795 against Eugen Michael Molnar, M.D.
23 (Respondent).

24 2. On March 22, 1972, the Board issued Physician's and Surgeon's Certificate No. A
25 24674 to Respondent. That license expired on September 30, 2016, and has not been renewed. A
26 true and correct copy of the certificate of licensure is attached hereto as Exhibit A.

27 3. On September 7, 2017, Richard M. Acosta, an employee of the Complainant Agency,
28 served by Certified Mail and First Class Mail a copy of the Petition to Revoke Probation No. 800-

1 2017-032795, Statement to Respondent, Notice of Defense, Request for Discovery, and
2 Government Code sections 11507.5, 11507.6, and 11507.7 on Respondent's address of record
3 with the Board, which was and is 9692 Norfolk Drive, Santa Ana, California 92705. A copy of
4 the Petition to Revoke Probation, the related documents, and Declaration of Service are attached
5 as Exhibit B, and are incorporated herein by reference.

6 4. Service of the Petition to Revoke Probation was effective as a matter of law under the
7 provisions of Government Code section 11505, subdivision (c). On or about September 18, 2017,
8 the aforementioned documents were returned by the U.S. Postal Service marked "Return to
9 Sender – Unclaimed – Unable to Forward." A copy of the envelope returned by the post office is
10 attached as Exhibit C, and is incorporated herein by reference.

11 5. Business and Professions Code section 118 states, in pertinent part:

12 "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a
13 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
14 order of a court of law, or its surrender without the written consent of the board, shall not, during
15 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
16 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
17 provided by law or to enter an order suspending or revoking the license or otherwise taking
18 disciplinary action against the license on any such ground."

19 6. Government Code section 11506 states, in pertinent part:

20 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a
21 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
22 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
23 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

24 Respondent failed to file a Notice of Defense within 15 days after service upon him of the
25 Petition to Revoke Probation, and therefore waived his right to a hearing on the merits of Petition
26 to Revoke Probation No. 800-2017-032795.

27 ///

28 ///

1 7. California Government Code section 11520 states, in pertinent part:

2 "(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
3 agency may take action based upon the respondent's express admissions or upon other evidence
4 and affidavits which may be used as evidence without any notice to respondent."

5 8. Pursuant to its authority under Government Code section 11520, the Board finds
6 Respondent is in default. The Board will take action without further hearing and, based on
7 Respondent's express admissions by way of default and the evidence before it, contained in
8 Exhibits A, B and C, finds that the allegations in Petition to Revoke Probation No. 800-2017-
9 032795 are true.

10 DETERMINATION OF ISSUES

11 1. Based on the foregoing findings of fact, Respondent Eugen Michael Molnar, M.D.
12 has subjected his Physician's and Surgeon's Certificate No. A 24674 to discipline.

13 2. A copy of the Petition to Revoke Probation and the related documents and
14 Declaration of Service are attached.

15 3. The agency has jurisdiction to adjudicate this case by default.

16 4. The Board is authorized to revoke Respondent's Physician's and Surgeon's Certificate
17 based upon the following violations alleged in the Petition to Revoke Probation:

18 5. Respondent's Physician's and Surgeon's Certificate is subject to revocation under
19 Code sections 2227, 2234 and 118, in that he failed to comply with the terms and conditions of
20 his probation as follows:

21 Failure to Notify the Board of Dates of Departure and Return

22 6. Respondent's probation is subject to revocation in that he failed to comply with Term
23 and Condition No. 10 of his probationary order, as follows:

24 A. At all times relevant herein, Term and Condition No. 10 of Respondent's
25 probationary order provided:

26 "10. The period of probation shall not run during the time [R]espondent is
27 practicing outside the jurisdiction of California. If, during probation, [R]espondent
28 moves out of the jurisdiction of California to practice elsewhere, [R]espondent is

1 required to immediately notify the Board of the dates of departure and return, if any.
2 Periods of practice outside California will not apply to the reduction of this
3 probationary period.”

4 B. Respondent’s address of record with the Board is 9692 Norfolk Drive,
5 Santa Ana, California 92705. On April 14, 2017, HQIU Supervising Investigator II Robert
6 Pulido did a site visit at 9692 Norfolk Drive, Santa Ana, California. This was a gated
7 community and a security officer stated that he had not seen [Respondent] in months, but
8 believed his wife may reside there. Investigator Pulido knocked on the residence door and
9 a relative identified himself as a nephew and stated that [Respondent] did not reside there
10 any longer and believed that [Respondent] was in a hospital somewhere in Europe.

11 C. Respondent did not notify the Board that 9692 Norfolk Drive, Santa Ana,
12 California 92705, was no longer his address of record.

13 Failure to Obey All Laws and Rules Governing the Practice of Medicine in California

14 7. Respondent’s probation is subject to revocation in that he failed to comply with Term
15 and Condition No. 6 of his probationary order, as follows:

16 A. At all times relevant herein, Term and Condition No. 6 of Respondent’s
17 probationary order provided:

18 “6. Respondent shall obey all federal, state, and local laws, and all rules
19 governing the practice of medicine in California.”

20 B. The Medical Practice [Business and Professions Code section 2000 *et seq.*]
21 requires all California licensed physicians and surgeons to provide a current address of
22 record with the Board.

23 C. Complainant refers to and, by this reference, incorporates herein Paragraph 6,
24 subparagraphs B and C, above, as though fully set forth.

25 D. Respondent did not notify the Board that 9692 Norfolk Drive, Santa Ana,
26 California 92705, was no longer his address of record.

27 ///

28 ///

1 Failure to Submit Quarterly Declarations of Compliance

2 8. Respondent's probation is subject to revocation in that he failed to comply with Term
3 and Condition No. 7 of his probationary order, as follows:

4 A. At all times relevant herein, Term and Condition No. 6 of Respondent's
5 probationary order provided:

6 "7. Respondent shall submit quarterly declarations under penalty of perjury
7 on forms provided by the [Board], stating whether there has been compliance with all
8 the conditions of probation."

9 B. On April 27, 1991, Respondent filed a Petition for Modification of Probation or
10 Termination of Probation. On August 22, 1991, a hearing on the petition was heard before
11 the Medical Board of California with Administrative Law Judge Richard Lopez, presiding.
12 The Board denied the petition noting, among other things, that Respondent had only
13 completed forty percent (40%) of his probation and Respondent had "failed to demonstrate
14 any present contrition" A true and accurate copy of the Board's decision *In the*
15 *Matter of the Petition for Modification of Probation or Termination of Probation of Eugen*
16 *Michael Molnar, M.D*, MBC Case No. L-54668, is attached as "Exhibit B" to Petition to
17 Revoke Probation No. 800-2017-032795, hereto attached as Exhibit A.

18 C. Since 1992, Respondent has not filed quarterly declarations that he was in
19 compliance with his probation.

20 Failure to Comply with Probation Surveillance Program

21 9. Respondent's probation is subject to revocation in that he failed to comply with Term
22 and Condition No. 8 of his probationary order, as follows:

23 A. At all times relevant herein, Term and Condition No. 8 of Respondent's
24 probationary order provided:

25 "Respondent shall comply with the [Board]'s probation surveillance program."

26 B. Complainant refers to and, by this reference, incorporates herein Paragraph 6,
27 subparagraphs A through C, inclusive; Paragraph 7, subparagraphs A through D, inclusive;
28 and Paragraph 8, subparagraphs A through C, inclusive, above, as though fully set forth.

1 XAVIER BECERRA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 RICHARD D. MARINO
Deputy Attorney General
4 State Bar No. 90471
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-8644
Facsimile: (213) 897-9395
7 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Sept 7 2017
BY: *[Signature]* ANALYST

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

11 In the Matter of the Petition to Revoke
12 Probation Against:

Case No. 800-2017-032795

13 **Eugen Michael Molnar, M.D.**
14 **9692 Norfolk Drive**
Santa Ana, CA 92705

PETITION TO REVOKE PROBATION

15 **Physician's and Surgeon's Certificate**
No. A24674,

16 Respondent.

17
18
19 Complainant alleges:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) brings this Petition to Revoke Probation solely
22 in her official capacity as the Executive Director of the Medical Board of California, Department
23 of Consumer Affairs (Board).

24 2. On or about March 22, 1972, the Board issued Physician's and Surgeon's Certificate
25 Number A24674 to Eugen Michael Molnar, M.D. (Respondent). This certificate expired on
26 September 30, 2016, and is in a delinquent status.

27 3. On November 29, 1989, *In the Matter of the Accusation Against Eugen M. Molnar,*
28 *M.D.*, MBC Case No. D-3327, the Board issued a decision pursuant to a stipulated settlement and

1 disciplinary order, effective December 29, 1989. Under the terms and conditions of that decision,
2 Respondent's Physician's and Surgeon's Certificate was revoked with said revocation being
3 stayed with Respondent being placed on probation for five years with terms and conditions
4 including, but not limited, suspension from the practice of medicine for 90 days; successfully
5 completing an oral clinical examination limited to cosmetic surgery of the face and breast; 100
6 hours of additional continuing medical education during each year of probation; performing 120
7 hours of free medical services to the community during each of the first three years of probation;
8 successfully completing a professional ethics course during each of the first two years of
9 probation. A true and accurate copy of the decision is hereto attached, marked Exhibit A.

10 JURISDICTION

11 4. This Petition to Revoke Probation is brought before the Board, under the authority of
12 the following laws. All section references are to the Business and Professions Code unless
13 otherwise indicated.

14 5. Section 2227 of the Code provides that a licensee who is found guilty under the
15 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
16 one year, placed on probation and required to pay the costs of probation monitoring, or such other
17 action taken in relation to discipline as the Board deems proper.

18 6. Section 2234 of the Code, in pertinent part, provides:

19 "The board shall take action against any licensee who is charged with unprofessional
20 conduct"

21
22 7. Section 118 of the Code, in pertinent part, provides:

23 " . . .

24 "(b) The suspension, expiration, or forfeiture by operation of law of a license issued
25 by a board in the department, or its suspension, forfeiture, or cancellation by order of the
26 board or by order of a court of law, or its surrender without the written consent of the board,
27 shall not, during any period in which it may be renewed, restored, reissued, or reinstated,
28 deprive the board of its authority to institute or continue a disciplinary proceeding against

1 the licensee upon any ground provided by law or to enter an order suspending or revoking
2 the license or otherwise taking disciplinary action against the licensee on any such ground.

3 “(c) As used in this section, “board” includes an individual who is authorized by any
4 provision of this code to issue, suspend, or revoke a license, and ‘license’ includes
5 ‘certificate,’ ‘registration,’ and ‘permit.’

6 **FIRST CAUSE FOR REVOCATION OF PROBATION**

7 **(Failure to Notify MBC of Dates of Departure and Return)**

8 8. Respondent Eugen Michael Molnar, M.D.’s probation is subject to revocation in that
9 he failed to comply with Term and Condition No. 10 of his probationary order, as follows:

10 A. At all times relevant herein, Term and Condition No. 10 of Respondent’s
11 probationary order provided:

12 “10. The period of probation shall not run during the time [R]espondent is
13 practicing outside the jurisdiction of California. If, during probation, [R]espondent moves
14 out of the jurisdiction of California to practice elsewhere, [R]espondent is required to
15 immediately notify the Board of the dates of departure and return, if any. Periods of
16 practice outside California will not apply to the reduction of this probationary period.”

17 B. Respondent’s address of record with the Board is 9692 Norfolk Drive
18 Santa Ana, CA 92705. On “April 14, 2017, HQIU Supervising Investigator II Robert
19 Pulido did a site visit at 9692 Norfolk Drive, Santa Ana, CA. This was a gated community
20 and a security officer stated that he had not seen [Respondent] in months, but believed his
21 wife may reside there. Investigator Pulido knocked on the residence door and a relative
22 identified himself as a nephew and stated that [Respondent] did not reside there any longer
23 and believed that [Respondent] was in a hospital somewhere in Europe.

24 C. Respondent did not notify the Board that 9692 Norfolk Drive
25 Santa Ana CA 92705 was no longer his address of record.

26
27 //
28 //

1 completed Forty Percent (40%) of his probation and Respondent had "failed to demonstrate
2 any present contrition" A true and accurate copy of the Board's decision *In the*
3 *Matter of the Petition for Modification of Probation or Termination of Probation of Eugen*
4 *Michael Molnar, M.D.*, MBC Case No. L-54668 is hereto attached as Exhibit B.

5 C. Since 1992, Respondent has not filed quarterly declarations that he was in
6 compliance with his probation.

7 **FOURTH CAUSE FOR REVOCATION OF PROBATION**

8 **(Failure to Comply with Probation Surveillance Program)**

9 11. Respondent Eugen Michael Molnar, M.D.'s probation is subject to revocation in that
10 he failed to comply with Term and Condition No. 8 of his probationary order, as follows:

11 A. At all times relevant herein, Term and Condition No. 8 of Respondent's
12 probationary order provided:

13 "Respondent shall comply with the [Board]'s probation surveillance program."

14 B. Complainant refers to and, by this reference, incorporates herein Paragraphs 8,
15 subparagraphs A through C, inclusive; 9, subparagraphs A through D, inclusive; and, 10,
16 subparagraphs A through C, inclusive, above, as though fully set forth.

17

18

19

20

21

22

23

24

25

26

27 //

28 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

DECISION

In the Matter of the Accusation Against Eugen M. Molnar, MD.
MBC Case No. D-3327

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 ALAN S. METH,
Deputy Attorney General
3 Department of Justice
110 West A Street, Suite 700
4 San Diego, California 92101
Telephone: (619) 237-7224
5 Attorneys for Complainant
6

MEDICAL BOARD OF CALIFORNIA
I do hereby certify that this document is a true
and correct copy of the original on file in this
office.

Signature

Title

Date

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

13 In the Matter of the Accusation)
Against:)

NO. D-3327

14 Eugene M. MOLNAR, M.D.)
15 8760 Sunset Blvd.)
16 Los Angeles, California 90066)
License # A-24674)

STIPULATION IN
SETTLEMENT AND DECISION

17 Respondent.)
18

19 IT IS HEREBY STIPULATED AND AGREED by and between the
20 parties to the above-entitled matter that the following
21 allegations are true.

22 1. Kenneth J. Wagstaff, complainant herein, and
23 Executive Director of the Board of Medical Quality Assurance of
24 the State of California, is represented by John K. Van De Kamp,
25 Attorney General of the State of California, by Alan S. Meth,
26 Deputy Attorney General.

27 2. Eugene Michael Molnar, M.D. (hereafter,
"respondent"), is represented by Randall J. Hite, who has been

1 retained as his attorney in regard to the administrative action
2 herein and that the respondent has counselled with Mr. Hite
3 concerning the effect of this stipulation, which the respondent
4 has carefully read and fully understands.

5 3. Respondent has received and read the accusation,
6 supplemental accusation, second supplemental accusation, and
7 third supplemental accusation which are presently on file as Case
8 No. D-3327, before the Division of Medical Quality of the Board
9 of Medical Quality Assurance of the State of California.

10 4. Respondent understands the nature of the charges
11 alleged in the above-entitled accusations and that said charges
12 and allegations would constitute cause for imposing discipline
13 upon respondent's medical license heretofore issued by the Board
14 of Medical Quality Assurance.

15 5. Respondent and his counsel are aware of each of
16 respondent's rights, including the right to a hearing on the
17 charges and allegations, the right to confront and cross-examine
18 witnesses who would testify against him, the right to present
19 evidence in his favor and call witnesses on his behalf, or to
20 testify himself, his right to contest the charges and
21 allegations, and any other rights which may be accorded to him
22 pursuant to the California Administrative Procedure Act (Govt.
23 Code, § 11500 et seq.), his right to reconsideration, review by
24 the superior court and to appeal to any other court. Respondent
25 understands that in signing this stipulation rather than
26 contesting the accusations, he is enabling the Division of
27 Medical Quality of the Board of Medical Quality Assurance of the
State of California to issue the following order from this

1 of this decision. Respondent shall notify the Division in
2 advance in writing during what periods of time this suspension
3 shall be in effect.

4 2. Within sixty (60) days of the effective date of
5 this decision, respondent shall take and pass an oral clinical
6 examination limited to cosmetic surgery of the face and breast.
7 If respondent fails the examination, respondent must take and
8 pass a re-examination consisting of a written and an oral
9 clinical examination. The waiting period between repeat
10 examinations shall be at three month intervals until success is
11 achieved. The Division shall pay the cost of the first
12 examination and respondent shall pay the cost of any subsequent
13 re-examinations. If respondent fails the first examination and
14 a repeat examination, respondent shall cease the practice of
15 medicine until a re-examination has been successfully passed, as
16 evidenced by written notice to respondent from the Division.
17 Failure to pass the required examination no later than 100 days
18 prior to the termination date of probation shall constitute a
19 violation of probation.

20 3. Within ninety (90) days of the effective date of
21 this decision, and on an annual basis thereafter, respondent
22 shall submit to the Division for its prior approval an
23 educational program or course, which shall not be less than 100
24 hours during the period of probation. This program or course
25 shall be in addition to the Continuing Medical Education
26 requirements for re-licensure. Following the completion of each
27 course, the Division or its designee may administer an
examination to test respondent's knowledge of the course.

1 Respondent shall provide proof of attendance for 50 hours of
2 continuing medical education of which 25 hours were in
3 satisfaction of this condition and were approved in advance by
4 the Division.

5 4. Within 60 days of the effective date of this
6 decision, respondent shall submit to the Division for its prior
7 approval a community service program in which respondent shall
8 provide free medical services on a regular basis to a community
9 or charitable facility, agency, or accredited teaching
10 institution for at least 120 hours a year for the first three
11 years of probation, or at least 360 hours, to be completed within
12 the first three years of probation.

13 5. Respondent shall take and complete one course in
14 medical ethics in each of the first two years of probation.
15 Within 60 of the effective date of this decision, respondent
16 shall select and submit a course to the Division for its prior
17 approval. Within 60 days of the commencement of the second year
18 of probation, respondent shall ~~select~~ and submit a course to the
19 Division for its prior approval.

20 6. Respondent shall obey all federal, state, and local
21 laws, and all rules governing the practice of medicine in
22 California.

23 7. Respondent shall submit quarterly declarations
24 under penalty of perjury on forms provided by the Division,
25 stating whether there has been compliance with all the conditions
26 of probation.

27 8. Respondent shall comply with the Division's
probation surveillance program.

1 9. Respondent shall appear in person for interviews
2 with the Division's medical consultant upon request at various
3 intervals and with reasonable notice.

4 10. The period of probation shall not run during the
5 time respondent is practicing outside the jurisdiction of
6 California. If, during probation, respondent moves out of the
7 jurisdiction of California to practice elsewhere, respondent is
8 required to immediately notify the Board of the dates of
9 departure and return, if any. Periods of practice outside
10 California will not apply to the reduction of this probationary
11 period.

12 11. Upon successful completion of probation,
13 respondent's certificate will be fully restored.

14 12. If respondent violates probation in any respect,
15 the Division, after giving respondent notice and the opportuni-
16 ty to be heard, may revoke probation and carry out the disciplinary
17 order that was stayed. If an accusation or petition to revoke
18 probation is filed against respondent during probation, the
19 Division shall have continuing jurisdiction until the matter is
20 final, and the period of probation shall be extended until the
21 matter is final.

22

23

24

25

26

27

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

I concur in the stipulation and order.

DATED: July 27, 1989

JOHN K. VAN DE KAMP, Attorney General
of the State of California

Alan S. Meth

ALAN S. METH
Deputy Attorney General

Attorneys for Complainant

I concur in the stipulation and order.

DATED: 7-28-89

Randall J. Hite
Randall J. Hite

Attorney for Respondent

I have read the above stipulation fully and have discussed it with my counsel. I understand that by its terms I will be waiving certain rights accorded me under California law. I also understand that by its terms the Board of Medical Quality Assurance will issue a decision and order on this stipulation whereby my license to practice medicine will be subject to certain terms and conditions. I agree to the above stipulation for settlement.

DATED: July 28, 1989

Eugene Michael Molnar

Eugene Michael Molnar, M.D. 17-D

Respondent

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

The foregoing is adopted by the Board of Medical
Quality Assurance in this matter and shall be effective on the
29th day of December, 1989.

IT IS SO ORDERED this 29th day of November
1989.

Theresa Claassen
BOARD OF MEDICAL QUALITY ASSURANCE
STATE OF CALIFORNIA
THERESA CLAASSEN, Secretary-Treasurer

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 ALAN S. METH,
Deputy Attorney General
3 110 West A Street, Suite 700
San Diego, California 92101
4 Telephone: (619) 237-7224
5 Attorneys for Complainant

6

7

8

9

10

11

12

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

13

In the Matter of the Accusation)
Against:)

No. D-3327

14

EUGENE MICHAEL MOLNAR, M.D.)
8760 Sunset Boulevard)
Los Angeles, California 90069)

THIRD SUPPLEMENTAL
ACCUSATION

15

16

Physician's and Surgeon's)
Certificate No. A-24674)

17

18

Respondent.)

19

20

21

22

23

24

25

26

27

For a Third Supplemental Accusation and in addition to
the matters contained in the Accusation, Supplemental Accusation,
and Second Supplemental Accusation heretofore filed, complainant,
Kenneth J. Wagstaff, alleges:

80. He is the Executive Officer of the Board of
Medical Quality Assurance of the State of California and makes
and files this Third Supplemental Accusation in his official
capacity.

1 EKG with interpretation and \$1200.00 for bilateral removal of
2 implants.

3 85. Respondent's conduct in the management and care of
4 Gina R. as described in paragraph 82 constitutes gross negligence
5 in violation of section 2234, subdivision (b) of the Code because
6 of, but not limited to the following:

7 (a) Respondent left a partially ruptured breast implant
8 in the patient's breast.

9 (b) Respondent attempted to remove the breast implants
10 after discovering that they were Dacron backed implants and while
11 the patient was under local anesthesia instead of terminating the
12 surgery and rescheduling it at which time the patient could have
13 been given general anesthesia.

14 86. Respondent's conduct in the management and care of
15 Gina R. as described in paragraph 82 constitutes incompetence in
16 violation of section 2234 subdivision (d) of the Code for the
17 reasons set forth in paragraph 85.

18 87. Respondent's license is subject to discipline
19 pursuant to section 2261 of the Code in that the operative report
20 described in paragraph 83 falsely states that respondent removed
21 both breast implants when in truth and in fact, respondent did
22 not remove both breast implants from Gina R.

23 88. Respondent's conduct as described in paragraph 84
24 constitutes unprofessional conduct and is a cause for
25 disciplinary action under sections 2234 subdivision (e) and 810
26 of the Code in that respondent submitted or caused to be
27 submitted a claim for insurance benefits to the insurance carrier

1 of Gina R. which included claims for an EKG with interpretation
2 and bilateral removal of implants when in truth and in fact,
3 respondent did not perform an EKG with interpretation and did not
4 remove both breast implants from Gina R.

5 OTHER MATTERS

6 89. Section 2305 of the Code provides:

7 "The revocation, suspension or other discipline by
8 another state of a license or certificate to practice
9 medicine issued by the state to a licensee under this
10 chapter shall constitute grounds for disciplinary
11 action for unprofessional conduct against such licensee
12 in this state."

13 90. Respondent is subject to disciplinary action under
14 section 2305 of the Code in that on or about August 15, 1986, the
15 Board of Medical Examiners of the State of Nevada found that
16 respondent renewed or attempted to renew a license to practice
17 medicine by fraud and misrepresentation and by a false,
18 misleading, inaccurate, and incomplete statement, and ordered
19 that respondent shall be administered a public reprimand.

20 WHEREFORE complainant prays the Division hold a hearing
21 on the aforementioned allegations and following said hearing:

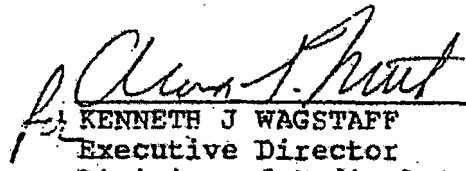
22
23
24
25
26
27

/
/
/
/
/
/

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

1. Suspend or revoke the license of respondent; and
2. Take such other and further action as it deems necessary.

DATED: July 29, 1987


KENNETH J WAGSTAFF
Executive Director
Division of Medical Quality
Board of Medical Quality Assurance

1 JOHN K. VAN DE KAMP, Attorney General
2 of the State of California
3 ALAN S. METH,
4 Deputy Attorney General
5 110 West A Street, Suite 700
6 San Diego, California 92101
7 Telephone: (619) 237-7224
8 Attorneys for Complainant

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

13 In the Matter of the Accusation) No. D-3327
14 Against:)
15)
16 EUGENE MICHAEL MOLNAR, M.D.) SECOND SUPPLEMENTAL
17 8760 Sunset Boulevard) ACCUSATION
18 Los Angeles, California 90069)
19 Physician's and Surgeons)
20 Certificate No. A-24674)
21 Respondent.)

20 For a Second Supplemental Accusation and in addition
21 to the matters contained in the accusation heretofore filed,
22 complainant, Kenneth J. Wagstaff, alleges:

23 68. He is the Executive Director of the Board of
24 Medical Quality Assurance of the State of California and makes
25 and files this second supplemental accusation in his official
26 capacity.

27

1 74. Between December 1983 and August 1984
2 respondent submitted to the health insurance carrier of Myung S.
3 a claim for services performed by respondent between
4 December 12, 1983, and December 14, 1983, in the amount of
5 \$5,741.00 and an operative report. The operative report
6 described a nasal septoplasty, open reduction of nasal fracture,
7 submucous resection of inferior turbinates and contains a pre-
8 operative diagnosis of fracture of nasal pyramid and nasal
9 septum, and incidental chronic vasomotor rhinitis.

10 75. Respondent's conduct as described in paragraph
11 74 constitutes unprofessional conduct and is cause for
12 disciplinary action under sections 2234(e), 2261 and 810 of the
13 Code in that in truth and in fact respondent did not perform the
14 services described in paragraph 74.

15 76. Respondent's conduct as described in paragraph
16 71 constitutes unprofessional conduct and is cause for
17 disciplinary action under sections 2234(e), 2261 and 810 of the
18 Code in that:

19 (a) Respondent did not perform a breast biopsy
20 bilaterally as described in paragraph 71.

21 (b) If respondent performed this procedure, it was
22 at the same time he performed a breast augmentation, and
23 respondent failed to notify the patient's health insurance
24 carrier that he also performed a breast augmentation.

25 (c) Respondent's stated reason for performing
26 surgery on Myung S. on March 19, 1982, was false when in truth

27

1 and in fact, any surgery performed on the patient was for
2 cosmetic reasons for which insurance benefits were not payable.

3 77. As an alternative to the allegations contained
4 in paragraph 76, respondent's management and care of Myung S.
5 constitutes gross negligence in violation of section 2234(b), and
6 a cause for discipline in that respondent performed a breast
7 biopsy bilaterally on Myung S. on March 31, 1982, without proper
8 diagnosis, justification, indication, or documentation.

9 78. As an alternative to the allegations contained
10 in paragraph 76, respondent's management and care of Myung S.
11 constitutes incompetence in violation of section 2234(d), and a
12 cause for discipline in that respondent performed a breast
13 biopsy bilaterally on Myung S. on March 31, 1982, without proper
14 diagnosis, justification, indication, or documentation.

15 79. Respondent's conduct as described in paragraph
16 73, constitutes unprofessional conduct and is cause for
17 disciplinary action under sections 2234(e), 2261 and 810 of the
18 Code in that respondent's stated reason for performing surgery
19 on Myung S. on March 19, 1982, was false, when in truth and in
20 fact, any surgery performed on the patient was for cosmetic
21 reason for which insurance benefits were not payable.


22 WHEREFORE complainant prays the Division hold a
23 hearing on the aforementioned allegations and following said
24 hearing:

25 /
26 /
27 /

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

- (1) Suspend or revoke the license of respondent; and
- (2) Take such other and further action as it deems necessary.

DATED: August 14, 1986


KENNETH J. WAGSTAFF
Executive Director
Division of Medical Quality Assurance
Board of Medical Quality Assurance

Complainant

ASM:jd

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California.
2 ALAN S. METH,
Deputy Attorney General
3 110 West A Street, Suite 700
San Diego, California 92101
4 Telephone: (619) 237-7224
5 Attorneys for Complainant

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

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

In the Matter of the Accusation
Against:

No. D-3327

SUPPLEMENTAL ACCUSATION

EUGENE MICHAEL MOLNER, M.D.
8760 Sunset Boulevard
Los Angeles, California 90049

Physician's and Surgeons
Certificate No. A-24674

Respondent.

For a Supplemental Accusation and in addition to the
matters contained in the accusation heretofore filed,
complainant, Kenneth J. Wagstaff, alleges:

47. He is the Executive Director of the Board of
Medical Quality Assurance of the State of California and makes
and files this supplemental accusation in his official capacity.

1 (a) Respondent failed to inform Pilar C. prior
2 to performing the forehead lift that he would perform
3 the procedure.

4 (b) Respondent failed to obtain Pilar C.'s
5 consent for a forehead lift prior to performing the
6 procedure.

7 (c) Respondent failed to explain to Pilar C. a
8 forehead lift including such matters as the nature of
9 the surgery, its risks, complications, and alternative
10 methods, prior to performing the procedure.

11 (d) Respondent failed to explain to Pilar C.
12 after he performed the forehead lift why he performed
13 the surgery.

14 (e) Respondent failed to afford to Pilar C.
15 adequate follow-up care after the patient told him she
16 was unhappy with the results of the forehead lift.

17 EDITA P.

18 52. On August 26, 1982, respondent performed a
19 bilateral augmentation mammoplasty on Edita P. Shortly there-
20 after, she began working for respondent. About a year after
21 the mammoplasty, complications developed which required
22 additional surgery. Respondent told Edita P. that he would
23 perform this surgery for free because she was his employee.
24 A second surgery was performed on September 14, 1983.

25 53. On or about October 11, 1983, respondent submitted
26 to Edita P.'s health insurance carrier a claim for services
27 rendered in the amount of \$5,317.00 and an operative report.

1 The claim form contained a diagnosis of "Fibrous capsulation
2 of left breast" and "Hematoma of right breast," and charges,
3 among others, of \$90.00 for a consultation on September 12, 1983,
4 \$75.00 for an "H & P" on September 13, 1983, \$65.00 for lab work
5 and \$85.00 for an EKG with interpretation also on September 13,
6 1983, \$2,000.00 for a left breast capsulectomy and \$1500.00 for a
7 right breast hematoma performed on September 14, 1983, and
8 \$1,402.00 for supplies. The claim form also contained a
9 signature purporting to be that of Edita P. The operative
10 report states that Edita P. came to respondent's office on
11 September 12, 1983 after she fell at home the night before and
12 injured her right breast, resulting in pain, swelling and a
13 hematoma of her right breast.

14 54. Respondent's conduct as described in paragraph 53
15 was dishonest and is evidence of unprofessional conduct in vio-
16 lation of section 2234(e), and a cause for discipline, because:

17 (a) Respondent in truth and in fact did not
18 perform a right breast hematoma.

19 (b) Respondent in truth and in fact did not
20 perform a consultation, history and physical, or an
21 EKG with interpretation.

22 (c) Respondent in truth and in fact did not
23 provide all the supplies for which he billed the
24 insurance carrier \$1,402.00.

25 (d) Edita P. in truth and in fact never fell
26 on or about September 11, 1983, and never had a hematoma
27 on or about September 12, 1983.

1 (e) Edita P. in truth and in fact never
2 signed any insurance claim form and never authorized
3 respondent to bill the insurance company for any services.

4 (f) Respondent agreed to perform surgery on
5 September 14, 1983 on Edita P. for free.

6 55. Respondent's conduct as described in paragraph 53
7 constitutes the false representation of the existence of a
8 state of facts, and is evidence of unprofessional conduct in
9 violation of section 2261 of the Code, and is a cause for
10 discipline pursuant to section 2234 of the Code, for the
11 reasons set forth in paragraph 54.

12 56. Respondent's conduct as described in paragraph 53
13 constitutes unprofessional conduct in violation of section 810
14 of the Code, and is a cause for discipline pursuant to
15 section 2234 of the Code, for the reasons set forth in
16 paragraph 54.

17 HUONG D.

18 56. Sometime in 1979, respondent performed a
19 bilateral upper oriental blepharoplasty on Huong D. Shortly
20 thereafter, Huong D. began working for respondent. In
21 January 1982, respondent performed a chin augmentation on
22 Huong D. and told her it would be free because she worked for
23 him.

24 57. On or about March 15, 1982, respondent submitted
25 to the health insurance carrier of Huong D. a claim form for
26 services rendered in the amount of \$800.00. The claim form
27 indicated that on February 18, 1982, respondent excised six

1 facial tumors, charging \$300.00, and used supplies, charging
2 \$500.00. It also contained a diagnosis of genetic multiple
3 facial tumors (6). The claim form further contained a signature
4 purporting to be that of Huong D. Respondent also submitted a
5 pathology report on Huong D. dated January 11, 1982 to the carrier.

6 58. Respondent's conduct as described in paragraph 57
7 was dishonest and is evidence of unprofessional conduct in
8 violation of section 2234(e) and a cause for discipline, because:

9 (a) Respondent in truth and in fact never
10 excised any moles from Huong D.

11 (b) The pathology report dated January 11, 1982,
12 was in truth and in fact the pathology report of another
13 patient.

14 (c) Huong D. in truth and in fact never
15 authorized respondent to bill her insurance company for
16 any services he performed and she did not sign any
17 insurance claim form.

18 (d) Respondent agreed to perform surgery in
19 January, 1982 on Huong D. for free.

20 59. Respondent's conduct as described in paragraph 57
21 constitutes the false representation of the existence of a state
22 of facts, and is evidence of unprofessional conduct in violation
23 of section 2261 of the Code, and is a cause for discipline
24 pursuant to section 2234 of the Code, for the reasons set forth
25 in paragraph 58.

26 60. Respondent's conduct as described in paragraph 57
27 constitutes unprofessional conduct in violation of section 810

1 of the Code, and is a cause for discipline pursuant to
2 section 2234 of the Code, for the reasons set forth in
3 paragraph 58.

4 OTHER MATTERS

5 61. Section 2264 of the Code provides that the
6 employing, directly or indirectly, or the aiding or abetting of
7 any unlicensed person or any suspended, revoked, or unlicensed
8 practitioner to engage in the practice of medicine or any mode
9 of treating the sick or afflicted which requires a license to
10 practice constitutes unprofessional conduct.

11 62. The license of respondent is subject to discipline
12 pursuant to section 2264 of the Code in that respondent aided
13 and abetted Sue Munford, Roberta Katz and Myung Ahn in the
14 unlicensed practice of nursing.

15 63. The license of respondent is subject to discipline
16 pursuant to section 2261 of the Code in that on or about
17 July 1, 1985, respondent submitted a signed Application For
18 "Registration" to the Nevada State Board of Medical Examiners
19 in which he answered "NO" to the question "Have you been
20 investigated, charged or convicted of unprofessional conduct,
21 professional incompetence or gross or repeated malpractice by
22 any medical licensing board or other agency, hospital or
23 medical society?" when in truth and in fact, respondent had
24 been charged with unprofessional conduct, professional
25 incompetence and gross negligence in accusation No. D-3327
26 filed by the Board on March 22, 1985.

27

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

WHEREFORE complainant prays the Division hold a hearing on the aforementioned allegations and following said hearing:

- (1) Suspend or revoke the license of respondent; and
- (2) Take such other and further action as it deems necessary.

DATED: November 27, 1985.

for Kenneth J. Wagstaff
KENNETH J. WAGSTAFF
Executive Director
Division of Medical Quality
Board of Medical Quality Assurance
Complainant

ASM:sg

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 ALAN S. METH, Deputy Attorney General
3 110 West A Street, Suite 700
San Diego, California 92101
4 Telephone: (619) 237-7224
5 Attorneys for Complainant

6
7 BEFORE THE
8 DIVISION OF MEDICAL QUALITY
9 BOARD OF MEDICAL QUALITY ASSURANCE
10 DEPARTMENT OF CONSUMER AFFAIRS
11 STATE OF CALIFORNIA
12

13 In the Matter of the Accusation) No. D-3327
Against:)
14 EUGENE MICHAEL MOLNAR, M.D.) ACCUSATION
15 8760 Sunset Boulevard)
Los Angeles, California 90069)
16 Physicians and Surgeons)
17 Certificate No. A-24674)
18 Respondent.)

19
20 Complainant, Kenneth J. Wagstaff, alleges:

21 1. He is the Executive Director of the Board of
22 Medical Quality Assurance of the State of California and makes
23 and files this accusation in his official capacity.

24 2. On March 23, 1972, respondent Eugene Michael
25 Molnar, M.D., was issued physician and surgeon certificate
26 No. A-24674, authorizing him to practice medicine in the State
27 of California.

1 3. Sections 2220 and 2227 of the Business and
2 Professions Code (Code) provide that the Division of Medical
3 Quality of the Board of Medical Quality Assurance (Division) may
4 suspend, revoke, place on probation, publicly reprimand or take
5 such other action in relation to discipline as the Division may
6 deem proper.

7 4. Section 2234 of the Code provides in pertinent
8 part:

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

14 (b) Gross negligence.

15 (d) Incompetence.

16 (e) The commission of any act involving
17 dishonesty or corruption which is
18 substantially related to the
19 qualifications, functions, or duties
20 of a physician or surgeon."

21 5. Section 2261 of the Code provides:

22 "Knowingly making or signing any certificate
23 or other document directly or indirectly related to
24 the practice of medicine or podiatry which falsely
25 represents the existence or non-existence of a state
26 of facts, constitutes unprofessional conduct."
27

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

6. Section 810 of the Code provides in pertinent part:

"(a) It shall constitute unprofessional conduct and grounds for disciplinary action, including suspension or revocation of a license or certificate, for a health care professional to do any of the following in connection with his professional activities:

- (1) Knowingly present or cause to be presented any false or fraudulent claim for the payment of a loss under a contract of insurance.
- (2) Knowingly prepare, make, or subscribe any writing, with intent to present or use the same, or to allow it to be presented or used in support of any such claim."

DENISE G.

7. At all times mentioned herein, Denise G. was a patient of respondent and was an employee of respondent's at the Institute of Plastic Surgery between approximately June 1982 and December 1983.

8. On or about December 16, 1982, respondent performed nasal surgery on Denise G for cosmetic purposes. This was a procedure which was not covered by the patient's health insurance policy.

9. On or about December 22, 1982, respondent submitted to the patient's health insurance carrier a claim for

1 services rendered in the amount of \$5,670.00 and an operative
2 report. The claim form contained a diagnosis of "Nasal/Septal
3 Fracture With Hypertrophic Turbinates" and charges, among
4 others, of \$1,270.00 for a nasal septoplasty, \$1,040.00 for an
5 open reduction of nasal fracture, and \$800.00 and \$400.00 for
6 bilateral submucous resection of inferior turbinates, all per-
7 formed on December 16, 1982.

8 10. Respondent's conduct as described in paragraph 9
9 was dishonest and is evidence of unprofessional conduct in
10 violation of section 2234(e), and cause for discipline, because:

11 (a) Respondent in truth and in fact did not per-
12 form the procedures described in paragraph 9.

13 (b) Respondent's stated reason for performing the
14 procedure described in paragraph 9, repairing a nasal fracture,
15 was false when in truth and in fact, any surgery performed on
16 the patient's nose was for cosmetic reasons for which insurance
17 benefits were not payable.

18 11. Respondent's conduct as described in paragraph 9
19 constitutes the false representation of the existence of a state
20 of facts, and is evidence of unprofessional conduct in violation
21 of section 2261 of the Code, and is a cause for discipline
22 pursuant to section 2234 of the Code, for the reasons set forth
23 in paragraph 10.

24 12. Respondent's conduct as described in paragraph 9
25 constitutes unprofessional conduct in violation of section 810
26 of the Code, and is a cause for discipline pursuant to section
27 2234 of the Code, for the reasons set forth in paragraph 10.

1 13. Respondent is subject to disciplinary action by
2 engaging in unprofessional conduct within the meaning of
3 section 2234 of the Code, in that while Denise G. was employed
4 by respondent, respondent pressured, coerced, compelled, or
5 otherwise forced Denise G. to undergo cosmetic surgical
6 procedures by telling her that if she did not submit to such
7 cosmetic surgical procedures, she would lose her job.

8 VICKY S.

9 14. At all times mentioned herein, Vicky S. was a
10 patient and employee of respondent's from approximately the
11 end of October 1981 through April 1982.

12 15. At approximately the time the patient began to
13 work for respondent, respondent performed cosmetic surgery on
14 the patient's nose. The procedure was repeated by respondent
15 about one month later. This was a procedure which was not
16 covered by the patient's insurance policy.

17 16. On or about April 30, 1982, respondent submitted a
18 claim for services rendered in the amount of \$4,725.00 to the
19 patient's health insurance carrier and an operative report. The
20 claim form contained a diagnosis of "Nasal & Septal Fracture" and
21 charges, among others, of \$1,150.00 for a "Nasal Septoplasty,"
22 \$975.00 for "Open Reduction of Nasal Fracture," \$800.00 for
23 "Bilateral SMR Inferior Turbinates," \$400.00 for "Left," and
24 \$50.00 for "Biopsy," all performed on April 22, 1982. The
25 operative report described the procedures as "Open reduction of
26 nasal fx., septoplasty, submucuous resection of rt. & lt.
27 inferior turbinates." Respondent also submitted to the

1 insurance carrier an employee's statement which indicates that
2 the patient fell in a bathroom getting read for work and broke
3 her nose.

4 17. Pursuant to the claim submitted by respondent, the
5 patient's insurance carrier paid to respondent \$3,175.00.

6 18. Respondent's conduct as described in paragraph
7 16 was dishonest and is evidence of unprofessional conduct in
8 violation of section 2234(e) of the Code, and cause for
9 discipline, because:

10 (a) Respondent did not perform the services
11 described in paragraph 16.

12 (b) Respondent's stated reason for performing any
13 surgery, repairing a nasal fracture, was false when in truth and
14 in fact, any surgery performed on the patient's nose was for
15 cosmetic reasons for which insurance benefits were not payable.

16 (c) Respondent did not perform any services on
17 Vicky S. on April 22, 1982.

18 19. Respondent's conduct as described in paragraph 16
19 constitutes the false representation of the existence of a state
20 of facts, and is evidence of unprofessional conduct in violation
21 of section 2261 of the Code, and is a cause for discipline
22 pursuant to section 2234 of the Code, for the reasons set forth
23 in paragraph 18.

24 20. Respondent's conduct as described in paragraph 16
25 constitutes unprofessional conduct in violation of section 810
26 of the Code, and is a cause for discipline pursuant to section
27 2234 of the Code, for the reasons set forth in paragraph 18.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

21. Respondent's conduct in the management and care of Vicky S. constitutes incompetence in violation of section 2234(d) of the Code, and cause for discipline, because of but not limited to the following:

(a) Respondent failed to significantly alter Vicky S. appearance despite performing two procedures on her nose.

(b) Respondent performed nasal surgery despite knowing that the patient did not want to have it done.

(c) Respondent fabricated to the patient's health insurance carrier a need to have the procedure performed.

22. Respondent is subject to disciplinary action by engaging in unprofessional conduct within the meaning of section 2234 of the Code, in that respondent refused to hire Vicky S. until she agreed to, and submitted to, cosmetic surgery of her nose.

23. During the period of time that respondent provided medical care to Vicky S., respondent failed to maintain adequate medical records describing the patient's examinations, diagnosis, treatment, and surgery.

24. Respondent's failure to maintain proper medical records for Vicky S. as described in paragraph 23 is gross negligence in violation of section 2234(b) of the Code and a cause for discipline.

JOHN B.

25. At all times mentioned herein, John B. was a patient of respondent.

1 26. On or about April 6, 1982, respondent performed
2 nasal surgery on John B. for cosmetic purposes. On or about
3 March 24, 1983, respondent performed a forehead lift on John B.
4 for cosmetic purposes. These procedures were not covered by the
5 patient's insurance policy.

6 27. On or about April 8, 1982, respondent submitted to
7 the health insurance carrier of John B. a claim for services
8 rendered in the amount of \$4,560.00 and an operative report.
9 The claim form contained a diagnosis of "Nasal & septal fracture
10 with obstructed airway. "Hypertrophic Inferior Turbinates" and
11 listed, among other charges, \$1,150.00 for "Nasal Septoplasty,"
12 \$975.00 for "Open Reduction of Nasal Fracture fx.," and \$800.00
13 and \$400.00 for "Bilateral Submucuous Resection of Inferior
14 Turbinates." The operative report described the procedure as
15 "Open reduction of nasal fx., Septoplasty, Submucuous resection
16 of rt. & lt. turbinates." Another operative report dated
17 April 6, 1982, described the procedure performed on John B.
18 as "Reconstruction of nasal pyramid & nasal septum."

19 28. On or about April 9, 1983, respondent submitted to
20 the health insurance carrier of John B. a claim for services
21 rendered in the amount of \$4,013.00 and an operative report.
22 The claim form contained a diagnosis of "Ptosis of upper eye-
23 lids secondary to blepharocholasis" and listed, among other
24 charges, \$2,200.00 for "surgical correction of blepharocholasis"
25 performed on March 24, 1983. The operative report contained a
26 diagnosis of "Ptosis of upper eyelids secondary to blepharochol-
27 lasis. Orbital Lipomata."

1 29. Respondent's conduct as described in paragraphs
2 27 and 28 constitutes dishonesty and is evidence of unpro-
3 fessional conduct in violation of section 2234(e) of the Code,
4 and cause for discipline, because:

5 (a) Respondent submitted claims and operative
6 reports as described in paragraphs 27 and 28 when in truth and
7 in fact, respondent did not perform the procedures described
8 therein.

9 (b) Respondent submitted claims and operative
10 reports described in paragraphs 27 and 28 when in truth and in
11 fact, the procedures were performed for cosmetic reasons for
12 which insurance benefits were not payable.

13 30. Respondent's conduct as described in paragraphs
14 27 and 28 constitutes the false representation of the existence
15 of a state of facts, and is evidence of unprofessional conduct
16 in violation of section 2261 of the Code, and a cause for
17 discipline pursuant to section 2234 of the Code, for the reasons
18 set forth in paragraph 29.

19 31. Respondent's conduct as described in paragraphs
20 27 and 28 constitutes unprofessional conduct in violation of
21 section 810 of the Code, and is a cause for discipline pursuant
22 to section 2234 of the Code, for the reasons set forth in
23 paragraph 29.

24 32. During the period of time that respondent provided
25 medical care to John B., respondent failed to maintain adequate
26 medical records describing the patients examinations,
27 diagnosis, treatment, and surgery.

1 Lester Jones Operation," performed on November 1, 1983. The
2 operative report describes this procedure.

3 38. Respondent's conduct as described in paragraph
4 37 was dishonest and is evidence of unprofessional conduct in
5 violation of section 2234(e) of the Code, and cause for
6 discipline, because:

7 (a) Respondent in truth and in fact, did not per-
8 form the procedure described paragraph 37.

9 (b) Respondent's stated reason for performing
10 surgery on Violet P. was false when in truth and in fact, any
11 surgery performed on the patient was for cosmetic reasons for
12 which insurance benefits were not payable.

13 39. Respondent's conduct as described in paragraph
14 37 constitutes the false representation of the existence of
15 a state of facts, and is evidence of unprofessional conduct in
16 violation of section 2261 of the Code, and a cause for
17 discipline pursuant to section 2234 of the Code, for the reasons
18 set forth in paragraph 38.

19 40. Respondent's conduct as described in paragraph
20 38 constitutes unprofessional conduct in violation of section
21 810 of the Code, and is cause for discipline pursuant to section
22 2234 of the Code, for reasons set forth in paragraph 38.

23 41 Respondent's conduct in the management and care of
24 Violet P. as described in paragraph 37 constitutes incompetence
25 in violation of section 2234(d) of the Code, and a cause for
26 discipline, because of, but not limited to the following:

27

1 (a) Respondent failed to place the surgical scar
2 behind the hairline and instead placed the scar across the
3 patient's forehead.

4 (b) Respondent failed to place the surgical scar
5 behind the patient's hairline and not on the patient's forehead
6 as she had requested and as respondent had agreed.

7 42. Respondent's conduct in the management and care of
8 Violet P. as described in paragraph 37 constitutes gross
9 negligence in violation of section 2234(b) of the Code, and
10 cause for discipline, because respondent failed to obtain the
11 patient's informed consent to the placement of the surgical scar
12 on her forehead.

13 OTHER MATTERS

14 43. In August 1984 an advertisement on behalf of the
15 Institute of Beauty Surgery Medical Group appeared in the Orange
16 County Register suggesting that cosmetic surgery at the Institute
17 of Beauty Surgery Medical Group was performed by Board Certified
18 Cosmetic Surgeons. Respondent was one of the persons referred
19 to by the advertisement as a Board Certified Cosmetic Surgeon.
20 Respondent is not a Board Certified Plastic Surgeon of the
21 American Board of Plastic Surgery.

22 44. Respondent's conduct as described in paragraph 43
23 was dishonest and is evidence of unprofessional conduct in
24 violation of section 2234(e) of the Code, and a cause for
25 discipline.

1 45. Section 651 of the Code, provides it is unlawful
2 and a cause for revocation or suspension of a license for any
3 person licensed under this division

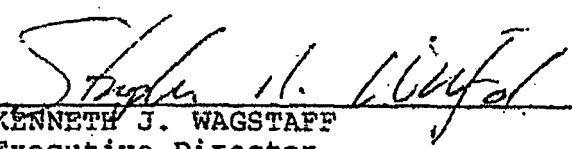
4 ". . . to disseminate or cause to be disseminated, any
5 form of public communication containing, a false,
6 fraudulent, misleading, or deceptive statement or
7 claim, for the purpose of or likely to induce, directly
8 or indirectly, the rendering of professional services
9 or furnishing of products in connection with a pro-
10 fessional practice or business for which he is
11 licensed."

12 46. Respondent's conduct as described in paragraph 43
13 constitutes a false, fraudulent, misleading, or deceptive state-
14 ment or claim in violation of section 651 of the Code, and is a
15 cause for discipline.

16 WHEREFORE complainant prays the Division hold a
17 hearing on the aforementioned allegations and following said
18 hearing:

19 1. Suspend or revoke the license of respondent; and
20 2. Take such other and further action as it deems
21 necessary.

22 DATED: March 22, 1985

23
24 
25 KENNETH J. WAGSTAFF
26 Executive Director
27 Division of Medical Quality Assurance
Board of Medical Quality Assurance

27 ASM:jld

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT B

DECISION

*In the Matter of the Petition for Modification of Probation or Termination of Probation of
Eugen M. Molnar, MD.
MBC Case No. D-3327*

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

In the Matter of the Petition for)
Modification of Probation or)
Termination of Probation of:)

E. MICHAEL MOLNAR, M.D.)
Certificate No. A-24674)

No. L-54658

Respondent.)

DECISION

The attached Proposed Decision of the Medical Quality Review Committee is hereby adopted by the Division of Medical Quality of the Medical Board of California as its Decision in the above-entitled matter.

This Decision shall become effective on November 30, 1991.

IT IS SO ORDERED October 31, 1991.

DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA

Theresa L. Claassen

THERESA L. CLAASSEN
Secretary/Treasurer
Division of Medical Quality

MEDICAL BOARD OF CALIFORNIA

I do hereby certify that this document is a true
and correct copy of the original on file in this
office.

Conthya Kanya

Signature

For Custodian of records

Title

5/16/2007
Date

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

In the Matter of the Petition)
for Modification of Probation or)
Termination of Probation of:)
)
)
)
E. MICHAEL MOLNAR, M.D.) L-54658
)
)
Petitioner.)

PROPOSED DECISION

This matter came on regularly for hearing before a Panel of District 10 Medical Quality Review Committee, at Torrance, California on 22 August 91. Richard J. Lopez, Administrative Law Judge, Office of Administrative Hearings presiding.

Panel members present were:

Evelyn Sullivan, PM
Barbara Hurd, RN
Rebecca Argo, M.D.
Guy Hartman, M.D. (Sub-District 12), Chairman
Ernest Strauss, M.D. (Sub-District 11)
Marian Brubaker, M.D. (Sub-District 11)
Brian Carroll, P.M. (Sub-District 12)

Earl Plowman, Deputy Attorney General, represented the Attorney General. Petitioner appeared in person, and represented himself. Documentary and oral evidence and evidence by way of official notice and stipulation was introduced, the matter argued and submitted, and the members of the Panel proceeded to consider the matter. The Administrative Law Judge was present during the Panel's consideration of the case. The Panel finds, determines, and orders as follows:

FINDINGS OF FACT

1.

In 1972 petitioner was first licensed by the State Board of Medical Examiners as a physician and surgeon.

2.

(A) By Board Decision No. D-3327 pursuant to stipulation effective 29 December 1989, the license of petitioner to practice as a physician and surgeon in the State of California was revoked with said revocation stayed, and petitioner was placed on probation, on terms and conditions for five years.

(B) Cause for discipline related to insurance fraud; gross negligence; violation of the Medical Practice Act of Nevada.

3.

On or about 27 April 1991 petitioner filed subject petition.

4.

Presently, petitioner practices cosmetic surgery in Orange County on his own and as part of a group practice in West Los Angeles.

5.

As set forth in Finding 2, petitioner's probation began on 29 December 1989. Accordingly, petitioner has been on probation for less than two-fifths (40%) of that term. Further, despite that short passage of time from the serious and severe conduct which lead to discipline, petitioner failed to demonstrate any present contrition for said conduct.

* * * * *

DETERMINATION OF ISSUES

Petitioner has not established that he is sufficiently rehabilitated so that it would not be adverse to the public interest to terminate probation or modify probation.

* * * * *

ORDER

The petition of E. Michael Molnar, M.D. for modification or termination of probation is hereby denied.

This Decision shall become effective on the _____ of _____ 1991.

IT IS SO ORDERED this _____ day of _____, 1991.

PANEL OF DISTRICT 10
MEDICAL QUALITY REVIEW COMMITTEE
DIVISION OF MEDICAL QUALITY ASSURANCE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By: *Guy Hartman*
GUY HARTMAN, M.D.
Chairman

RJL:myg