

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation
Against:**

STEVEN NELSON PYKE, M.D.

**Physician's and Surgeon's
Certificate No. G 78611**

Respondent

)
)
)
)
) **Case No. 800-2017-029627**
)
)
)
)
)

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on October 5, 2018.

IT IS SO ORDERED: September 5, 2018.

MEDICAL BOARD OF CALIFORNIA



**Kristina D. Lawson, J.D., Chair
Panel B**

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 KEITH C. SHAW
Deputy Attorney General
4 State Bar No. 227029
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3519
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 800-2017-029627

11 **STEVEN NELSON PYKE, M.D.**

12 3900 Lakeville Hwy
13 Petaluma, CA 94954

14 **Physician and Surgeon's Certificate No. G**
15 **78611**

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
22 of California (Board). She brought this action solely in her official capacity and is represented in
23 this matter by Xavier Becerra, Attorney General of the State of California, by Keith C. Shaw,
24 Deputy Attorney General.

25 2. Respondent Steven Nelson Pyke, M.D. (Respondent) is represented in this proceeding
26 by attorney Gregory Abrams, Esq., whose address is: 6045 Shirley Drive, Oakland, CA 94611.

27 3. On or about April 6, 1994, the Board issued Physician and Surgeon's Certificate No.
28 G 78611 to Steven Nelson Pyke, M.D. The Physician and Surgeon's Certificate was in full force

1 and effect at all times relevant to the charges brought in Accusation No. 800-2017-029627, and
2 will expire on March 31, 2020, unless renewed.

3 JURISDICTION

4 4. Accusation No. 800-2017-029627 was filed before the Medical Board of California,
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on May 11,
7 2018. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of
8 Accusation No. 800-2017-029627 is attached as exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in Accusation No. 800-2017-029627. Respondent has also carefully read,
12 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
13 Disciplinary Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
16 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
17 to the issuance of subpoenas to compel the attendance of witnesses and the production of
18 documents; the right to reconsideration and court review of an adverse decision; and all other
19 rights accorded by the California Administrative Procedure Act and other applicable laws.

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

22 CULPABILITY

23 8. Respondent understands and agrees that the charges and allegations in Accusation
24 No. 800-2017-029627, if proven at a hearing, constitute cause for imposing discipline upon his
25 Physician's and Surgeon's Certificate.

26 9. For the purpose of resolving the Accusation without the expense and uncertainty of
27 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
28

1 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest
2 those charges.

3 10. Respondent agrees that if he ever petitions for early termination or modification of
4 probation, or if the Board ever petitions for revocation of probation, all of the charges and
5 allegations contained in Accusation No. 800-2017-029627 shall be deemed true, correct and fully
6 admitted by Respondent for purposes of that proceeding or any other licensing proceeding
7 involving Respondent in the State of California.

8 11. Respondent agrees that his Physician's and Surgeon's Certificate is subject to
9 discipline and he agrees to be bound by the Board's probationary terms as set forth in the
10 Disciplinary Order below.

11 CONTINGENCY

12 12. This stipulation shall be subject to approval by the Medical Board of California.
13 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
14 Board of California may communicate directly with the Board regarding this stipulation and
15 surrender, without notice to or participation by Respondent. By signing the stipulation,
16 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the
17 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
18 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of
19 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
20 the parties, and the Board shall not be disqualified from further action by having considered this
21 matter.

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

25 13. In consideration of the foregoing admissions and stipulations, the parties agree that
26 the Board may, without further notice or formal proceeding, issue and enter the following
27 Disciplinary Order:
28

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 78611 issued to Respondent Steven Nelson Pyke, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, dangerous drugs as defined by Business and Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide illness or condition.

Within 15 calendar days of receiving any lawfully prescribed medications, Respondent shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone number; medication name, strength, and quantity; and issuing pharmacy name, address, and telephone number.

2. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the use of products or beverages containing alcohol.

3. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism program, that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1. Respondent shall participate in and successfully complete that program. Respondent shall provide any information and documents that the program may deem pertinent. Respondent shall successfully complete the classroom component of the program not later than six (6) months after Respondent's initial enrollment, and the longitudinal component of the program not later than the time specified by the program, but no later than one (1) year after attending the classroom component. The professionalism program shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A professionalism program taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board

1 or its designee, be accepted towards the fulfillment of this condition if the program would have
2 been approved by the Board or its designee had the program been taken after the effective date of
3 this Decision.

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

7 4. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this Decision,
8 Respondent shall submit to the Board or its designee for prior approval the name and
9 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who
10 has a doctoral degree in psychology and at least five years of postgraduate experience in the
11 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall
12 undergo and continue psychotherapy treatment, including any modifications to the frequency of
13 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

14 The psychotherapist shall consider any information provided by the Board or its designee
15 and any other information the psychotherapist deems relevant and shall furnish a written
16 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
17 psychotherapist any information and documents that the psychotherapist may deem pertinent.

18 Respondent shall have the treating psychotherapist submit quarterly status reports to the
19 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric
20 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of
21 probation, Respondent is found to be mentally unfit to resume the practice of medicine without
22 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the
23 period of probation shall be extended until the Board determines that Respondent is mentally fit
24 to resume the practice of medicine without restrictions.

25 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

26 5. CLINICAL DIAGNOSTIC EVALUATIONS AND REPORTS: Within thirty (30)
27 calendar days of the effective date of this Decision, and on whatever periodic basis thereafter as
28 may be required by the Board or its designee, Respondent shall undergo and complete a clinical

1 diagnostic evaluation, including any and all testing deemed necessary, by a Board-appointed
2 board certified physician and surgeon. The examiner shall consider any information provided by
3 the Board or its designee and any other information he or she deems relevant, and shall furnish a
4 written evaluation report to the Board or its designee.

5 The clinical diagnostic evaluation shall be conducted by a licensed physician and surgeon
6 who holds a valid, unrestricted license, has three (3) years' experience in providing evaluations of
7 physicians and surgeons with substance abuse disorders, and is approved by the Board or its
8 designee. The clinical diagnostic evaluation shall be conducted in accordance with acceptable
9 professional standards for conducting substance abuse clinical diagnostic evaluations. The
10 evaluator shall not have a current or former financial, personal, or business relationship with
11 Respondent within the last five (5) years. The evaluator shall provide an objective, unbiased, and
12 independent evaluation. The clinical diagnostic evaluation report shall set forth, in the
13 evaluator's opinion, whether Respondent has a substance abuse problem, whether Respondent is a
14 threat to himself or herself or others, and recommendations for substance abuse treatment,
15 practice restrictions, or other recommendations related to Respondent's rehabilitation and ability
16 to practice safely. If the evaluator determines during the evaluation process that Respondent is a
17 threat to himself or herself or others, the evaluator shall notify the Board within twenty-four (24)
18 hours of such a determination.

19 In formulating his or her opinion as to whether Respondent is safe to return to either part-
20 time or full-time practice and what restrictions or recommendations should be imposed, including
21 participation in an inpatient or outpatient treatment program, the evaluator shall consider the
22 following factors: Respondent's license type; Respondent's history; Respondent's documented
23 length of sobriety (i.e., length of time that has elapsed since Respondent's last substance use);
24 Respondent's scope and pattern of substance abuse; Respondent's treatment history, medical
25 history and current medical condition; the nature, duration and severity of Respondent's
26 substance abuse problem or problems; and whether Respondent is a threat to himself or herself or
27 the public.

28 For all clinical diagnostic evaluations, a final written report shall be provided to the Board

1 no later than ten (10) days from the date the evaluator is assigned the matter. If the evaluator
2 requests additional information or time to complete the evaluation and report, an extension may
3 be granted, but shall not exceed thirty (30) days from the date the evaluator was originally
4 assigned the matter.

5 The Board shall review the clinical diagnostic evaluation report within five (5) business
6 days of receipt to determine whether Respondent is safe to return to either part-time or full-time
7 practice and what restrictions or recommendations shall be imposed on Respondent based on the
8 recommendations made by the evaluator. Respondent shall not be returned to practice until he or
9 she has at least thirty (30) days of negative biological fluid tests or biological fluid tests indicating
10 that he or she has not used, consumed, ingested, or administered to himself or herself a prohibited
11 substance, as defined in section 1361.51, subdivision (e), of Title 16 of the California Code of
12 Regulations.

13 Clinical diagnostic evaluations conducted prior to the effective date of this Decision shall
14 not be accepted towards the fulfillment of this requirement. The cost of the clinical diagnostic
15 evaluation, including any and all testing deemed necessary by the examiner, the Board or its
16 designee, shall be borne by the licensee.

17 Respondent shall not engage in the practice of medicine until notified by the Board or its
18 designee that he or she is fit to practice medicine safely. The period of time that Respondent is
19 not practicing medicine shall not be counted toward completion of the term of probation.
20 Respondent shall undergo biological fluid testing as required in this Decision at least two (2)
21 times per week while awaiting the notification from the Board if he or she is fit to practice
22 medicine safely.

23 Respondent shall comply with all restrictions or conditions recommended by the examiner
24 conducting the clinical diagnostic evaluation within fifteen (15) calendar days after being notified
25 by the Board or its designee.

26 6. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)
27 days of the effective date of this Decision, Respondent shall provide to the Board the names,
28 physical addresses, mailing addresses, and telephone numbers of any and all employers and

1 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's
2 worksite monitor, and Respondent's employers and supervisors to communicate regarding
3 Respondent's work status, performance, and monitoring.

4 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or
5 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff
6 privileges.

7 7. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
8 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
9 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
10 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall
11 make daily contact with the Board or its designee to determine whether biological fluid testing is
12 required. Respondent shall be tested on the date of the notification as directed by the Board or its
13 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at
14 any time, including weekends and holidays. Except when testing on a specific date as ordered by
15 the Board or its designee, the scheduling of biological fluid testing shall be done on a random
16 basis. The cost of biological fluid testing shall be borne by the Respondent.

17 For the duration of the probationary term, up to five (5) years, Respondent shall be subject
18 to 36 to 104 random tests per year. Only if there have been no positive biological fluid tests in
19 the previous five (5) consecutive years of probation, may testing be reduced to one (1) time per
20 month. Nothing precludes the Board from increasing the number of random tests to the first-year
21 level of frequency for any reason, which is 52 to 104 random tests per year.

22 Prior to practicing medicine, Respondent shall contract with a laboratory or service,
23 approved in advance by the Board or its designee, that will conduct random, unannounced,
24 observed, biological fluid testing and meets all of the following standards:

25 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry
26 Association or have completed the training required to serve as a collector for the United
27 States Department of Transportation.

28 (b) Its specimen collectors conform to the current United States Department of

1 Transportation Specimen Collection Guidelines.

2 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published
3 by the United States Department of Transportation without regard to the type of test
4 administered.

5 (d) Its specimen collectors observe the collection of testing specimens.

6 (e) Its laboratories are certified and accredited by the United States Department of Health
7 and Human Services.

8 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day
9 of receipt and all specimens collected shall be handled pursuant to chain of custody
10 procedures. The laboratory shall process and analyze the specimens and provide legally
11 defensible test results to the Board within seven (7) business days of receipt of the
12 specimen. The Board will be notified of non-negative results within one (1) business day
13 and will be notified of negative test results within seven (7) business days.

14 (g) Its testing locations possess all the materials, equipment, and technical expertise
15 necessary in order to test Respondent on any day of the week.

16 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens
17 for the detection of alcohol and illegal and controlled substances.

18 (i) It maintains testing sites located throughout California.

19 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line
20 computer database that allows the Respondent to check in daily for testing.

21 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff
22 access to drug test results and compliance reporting information that is available 24 hours a
23 day.

24 (l) It employs or contracts with toxicologists that are licensed physicians and have
25 knowledge of substance abuse disorders and the appropriate medical training to interpret
26 and evaluate laboratory biological fluid test results, medical histories, and any other
27 information relevant to biomedical information.

28 (m) It will not consider a toxicology screen to be negative if a positive result is obtained

1 while practicing, even if the Respondent holds a valid prescription for the substance.

2 Prior to changing testing locations for any reason, including during vacation or other travel,
3 alternative testing locations must be approved by the Board and meet the requirements above.

4 The contract shall require that the laboratory directly notify the Board or its designee of
5 non-negative results within one (1) business day and negative test results within seven (7)
6 business days of the results becoming available. Respondent shall maintain this laboratory or
7 service contract during the period of probation.

8 A certified copy of any laboratory test result may be received in evidence in any
9 proceedings between the Board and Respondent.

10 If a biological fluid test result indicates Respondent has used, consumed, ingested, or
11 administered to himself or herself a prohibited substance, the Board shall order Respondent to
12 cease practice and instruct Respondent to leave any place of work where Respondent is practicing
13 medicine or providing medical services. The Board shall immediately notify all of Respondent's
14 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or
15 provide medical services while the cease-practice order is in effect.

16 A biological fluid test will not be considered negative if a positive result is obtained while
17 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited
18 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

19 After the issuance of a cease-practice order, the Board shall determine whether the positive
20 biological fluid test is in fact evidence of prohibited substance use by consulting with the
21 specimen collector and the laboratory, communicating with the licensee, his or her treating
22 physician(s), other health care provider, or group facilitator, as applicable.

23 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the
24 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

25 For purposes of this condition, the term "prohibited substance" means an illegal drug, a
26 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by
27 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been
28 instructed by the Board not to use, consume, ingest, or administer to himself or herself.

1 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited
2 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the
3 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to
4 any other terms or conditions the Board determines are necessary for public protection or to
5 enhance Respondent's rehabilitation.

6 8. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days of
7 the effective date of this Decision, Respondent shall submit to the Board or its designee, for its
8 prior approval, the name of a substance abuse support group which he or she shall attend for the
9 duration of probation. Respondent shall attend substance abuse support group meetings at least
10 once per week, or as ordered by the Board or its designee. Respondent shall pay all substance
11 abuse support group meeting costs.

12 The facilitator of the substance abuse support group meeting shall have a minimum of three
13 (3) years experience in the treatment and rehabilitation of substance abuse, and shall be licensed
14 or certified by the state or nationally certified organizations. The facilitator shall not have a
15 current or former financial, personal, or business relationship with Respondent within the last five
16 (5) years. Respondent's previous participation in a substance abuse group support meeting led by
17 the same facilitator does not constitute a prohibited current or former financial, personal, or
18 business relationship.

19 The facilitator shall provide a signed document to the Board or its designee showing
20 Respondent's name, the group name, the date and location of the meeting, Respondent's
21 attendance, and Respondent's level of participation and progress. The facilitator shall report any
22 unexcused absence by Respondent from any substance abuse support group meeting to the Board,
23 or its designee, within twenty-four (24) hours of the unexcused absence.

24 9. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within thirty
25 (30) calendar days of the effective date of this Decision, Respondent shall submit to the Board or
26 its designee for prior approval as a worksite monitor, the name and qualifications of one or more
27 licensed physician and surgeon, other licensed health care professional if no physician and
28 surgeon is available, or, as approved by the Board or its designee, a person in a position of

1 authority who is capable of monitoring the Respondent at work.

2 The worksite monitor shall not have a current or former financial, personal, or familial
3 relationship with Respondent, or any other relationship that could reasonably be expected to
4 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its
5 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite
6 monitor, this requirement may be waived by the Board or its designee, however, under no
7 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

8 The worksite monitor shall have an active unrestricted license with no disciplinary action
9 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms
10 and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth
11 by the Board or its designee.

12 Respondent shall pay all worksite monitoring costs.

13 The worksite monitor shall have face-to-face contact with Respondent in the work
14 environment on as frequent a basis as determined by the Board or its designee, but not less than
15 once per week; interview other staff in the office regarding Respondent's behavior, if requested
16 by the Board or its designee; and review Respondent's work attendance.

17 The worksite monitor shall verbally report any suspected substance abuse to the Board and
18 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected
19 substance abuse does not occur during the Board's normal business hours, the verbal report shall
20 be made to the Board or its designee within one (1) hour of the next business day. A written
21 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and
22 any other information deemed important by the worksite monitor shall be submitted to the Board
23 or its designee within 48 hours of the occurrence.

24 The worksite monitor shall complete and submit a written report monthly or as directed by
25 the Board or its designee which shall include the following: (1) Respondent's name and
26 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)
27 the worksite monitor's license number, if applicable; (4) the location or location(s) of the
28 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the

1 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;
2 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can
3 lead to suspected substance abuse by Respondent. Respondent shall complete any required
4 consent forms and execute agreements with the approved worksite monitor and the Board, or its
5 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

6 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)
7 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior
8 approval, the name and qualifications of a replacement monitor who will be assuming that
9 responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a
10 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the
11 monitor, Respondent shall receive a notification from the Board or its designee to cease the
12 practice of medicine within three (3) calendar days after being so notified. Respondent shall
13 cease the practice of medicine until a replacement monitor is approved and assumes monitoring
14 responsibility.

15 10. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING
16 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of
17 probation.

18 A. If Respondent commits a major violation of probation as defined by section
19 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
20 one or more of the following actions:

21 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical
22 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
23 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice
24 order issued by the Board or its designee shall state that Respondent must test negative for at least
25 a month of continuous biological fluid testing before being allowed to resume practice. For
26 purposes of determining the length of time a Respondent must test negative while undergoing
27 continuous biological fluid testing following issuance of a cease-practice order, a month is
28 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until

1 notified in writing by the Board or its designee that he or she may do so.

2 (2) Increase the frequency of biological fluid testing.

3 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or
4 other action as determined by the Board or its designee.

5 B. If Respondent commits a minor violation of probation as defined by section
6 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
7 one or more of the following actions:

8 (1) Issue a cease-practice order;

9 (2) Order practice limitations;

10 (3) Order or increase supervision of Respondent;

11 (4) Order increased documentation;

12 (5) Issue a citation and fine, or a warning letter;

13 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in
14 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of
15 Regulations, at Respondent's expense;

16 (7) Take any other action as determined by the Board or its designee.

17 C. Nothing in this Decision shall be considered a limitation on the Board's authority
18 to revoke Respondent's probation if he or she has violated any term or condition of probation. If
19 Respondent violates probation in any respect, the Board, after giving Respondent notice and the
20 opportunity to be heard, may revoke probation and carry out the disciplinary order that was
21 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed
22 against Respondent during probation, the Board shall have continuing jurisdiction until the matter
23 is final, and the period of probation shall be extended until the matter is final.

24 11. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
25 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
26 Chief Executive Officer at every hospital where privileges or membership are extended to
27 Respondent, at any other facility where Respondent engages in the practice of medicine,
28 including all physician and locum tenens registries or other similar agencies, and to the Chief

1 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
2 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
3 calendar days.

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

5 12. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
6 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
7 advanced practice nurses.

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

11 14. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
12 under penalty of perjury on forms provided by the Board, stating whether there has been
13 compliance with all the conditions of probation.

14 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
15 of the preceding quarter.

16 15. GENERAL PROBATION REQUIREMENTS.

17 Compliance with Probation Unit

18 Respondent shall comply with the Board's probation unit.

19 Address Changes

20 Respondent shall, at all times, keep the Board informed of Respondent's business and
21 residence addresses, email address (if available), and telephone number. Changes of such
22 addresses shall be immediately communicated in writing to the Board or its designee. Under no
23 circumstances shall a post office box serve as an address of record, except as allowed by Business
24 and Professions Code section 2021(b).

25 Place of Practice

26 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
27 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
28 facility.

1 License Renewal

2 Respondent shall maintain a current and renewed California physician's and surgeon's
3 license.

4 Travel or Residence Outside California

5 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
6 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
7 (30) calendar days.

8 In the event Respondent should leave the State of California to reside or to practice,
9 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
10 departure and return.

11 16. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
12 available in person upon request for interviews either at Respondent's place of business or at the
13 probation unit office, with or without prior notice throughout the term of probation.

14 17. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
15 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
16 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
17 defined as any period of time Respondent is not practicing medicine as defined in Business and
18 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
19 patient care, clinical activity or teaching, or other activity as approved by the Board. If
20 Respondent resides in California and is considered to be in non-practice, Respondent shall
21 comply with all terms and conditions of probation. All time spent in an intensive training
22 program which has been approved by the Board or its designee shall not be considered non-
23 practice and does not relieve Respondent from complying with all the terms and conditions of
24 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
25 on probation with the medical licensing authority of that state or jurisdiction shall not be
26 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
27 period of non-practice.

28 In the event Respondent's period of non-practice while on probation exceeds 18 calendar

1 months, Respondent shall successfully complete the Federation of State Medical Board's Special
2 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
3 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model
4 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

5 Respondent's period of non-practice while on probation shall not exceed two (2) years.

6 Periods of non-practice will not apply to the reduction of the probationary term.

7 Periods of non-practice for a Respondent residing outside of California will relieve
8 Respondent of the responsibility to comply with the probationary terms and conditions with the
9 exception of this condition and the following terms and conditions of probation: Obey All Laws;
10 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
11 Controlled Substances; and Biological Fluid Testing.

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

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

23 20. LICENSE SURRENDER. Following the effective date of this Decision, if
24 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
25 the terms and conditions of probation, Respondent may request to surrender his or her license.
26 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
27 determining whether or not to grant the request, or to take any other action deemed appropriate
28 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent

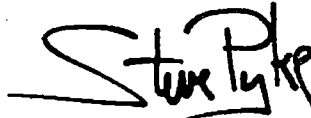
1 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
2 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
3 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
4 application shall be treated as a petition for reinstatement of a revoked certificate.

5 21. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
6 with probation monitoring each and every year of probation, as designated by the Board, which
7 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
8 California and delivered to the Board or its designee no later than January 31 of each calendar
9 year.

10 ACCEPTANCE

11 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
12 discussed it with my attorney, Gregory Abrams, Esq. I understand the stipulation and the effect it
13 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
14 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
15 Decision and Order of the Board.

16
17 DATED: 08/01/18



18 STEVEN NELSON PYKE, M.D.
Respondent

19 I have read and fully discussed with Respondent Steven Nelson Pyke, M.D. the terms and
20 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.

21 I approve its form and content.

22 DATED: August 1, 2018


23 GREGORY ABRAMS, ESQ.
Attorney for Respondent

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

Dated: August 6, 2018

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General



KEITH C. SHAW
Deputy Attorney General
Attorneys for Complainant

SF2018400586
21172584.doc

Exhibit A

Accusation No. 800-2017-029627

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
KEITH C. SHAW
Deputy Attorney General
State Bar No. 227029
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3519
Facsimile: (415) 703-5480
Attorneys for Complainant

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

In the Matter of the Accusation Against:

Case No. 800-2017-029627

Steven Nelson Pyke, M.D.

A C C U S A T I O N

3900 Lakeville Hwy
Petaluma, CA 94954

**Physician and Surgeon's Certificate
No. G 78611,**

Respondent.

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs.

2. On or about April 6, 1994, the Medical Board issued Physician and Surgeon's Certificate Number G 78611 to Steven Nelson Pyke, M.D. (Respondent). The Physician and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2020, unless renewed.

///

///

JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board), under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

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

5. Section 2234 of the Code requires the Board to take action against any licensee who is charged with unprofessional conduct, defined to include "[v]iolating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter."

6. Section 2236 of the Code states:

"(a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

"(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section and Section 2236.1. The record of conviction shall be conclusive evidence of the fact that the conviction occurred."

7. Section 2239 of the Code states:

"(a) The useof alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely or more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section, or any combination thereof, constitutes unprofessional conduct. The record of the conviction is conclusive evidence of such unprofessional conduct.

1 “(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is
2 deemed to be a conviction within the meaning of this section. The Division of Medical
3 Quality¹ may order discipline of the licensee in accordance with Section 2227 or the
4 Division of Licensing may order the denial of the license when the time for appeal has
5 elapsed or the judgment of conviction has been affirmed on appeal or when an order
6 granting probation is made suspending imposition of sentence, irrespective of a subsequent
7 order under the provisions of Section 1203.4 of the Penal Code allowing such person to
8 withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the
9 verdict of guilty, or dismissing the accusation, complaint, information, or indictment.”

10 8. Code section 822 provides that the Board may take action if a licensee’s ability to
11 practice his or her profession safely is impaired because of mental or physical illness.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Unprofessional Conduct: Conviction of a Crime/Dangerous Use of Alcohol)**

14 9. Respondent is subject to disciplinary action under sections 2234, and/or 2236, and/or
15 2239 in that Respondent has engaged in unprofessional conduct, was convicted of a crime, and
16 used alcohol in a dangerous manner. The circumstances are as follows:

17 10. On or about January 8, 2017, at approximately 4:37 p.m., a U.S. Parks police officer
18 observed Respondent’s vehicle parked in front of a gate at the Golden Gate National Recreational
19 Area in Sausalito, California. The vehicle was running and drove slowly into the gate as the
20 officer approached the vehicle. Respondent, the sole occupant, was seated in the driver’s seat and
21 displayed the objective signs of alcohol intoxication, including slurred speech, glassy eyes, and
22 the odor of alcohol. Respondent indicated that he had consumed two (2) beers. A partially full
23 bottle of vodka was located in the vehicle. Upon exiting the vehicle, Respondent swayed and
24 needed to use his arms for balance. Respondent submitted to a blood alcohol test which resulted
25 in a 0.325% blood alcohol content, over four (4) times the legal limit.

26
27 ¹ The “Division of Medical Quality” refers to the Board pursuant to Business and Profession Code section
28 2002.

11. Respondent was arrested and charged in the Marin County Superior Court with two misdemeanor charges: 1) Vehicle Code (VC) section 23152(a) – Driving Under the Influence of Alcohol and; 2) VC section 23152(b) – Driving with a Blood Alcohol Level of 0.08% or More. The Complaint included a special allegation for Excessive Blood Alcohol pursuant to VC section 23578(b)(2), in that Respondent drove with a blood alcohol content of 0.20% or more. On April 21, 2017, Respondent pled no contest to VC section 23152(b) and admitted the enhancement for driving with a blood alcohol content of 0.20% or more. He was sentenced to the following: three (3) years of court probation, two (2) days in jail, attend the DUI offender's nine (9) month driving program, not operate a motor vehicle with any measurable amount of alcohol, and obey all laws.

12. Respondent's April 21, 2017 criminal conviction for driving under the influence of alcohol is substantially related to the qualifications, functions and duties of a physician and surgeon. Further, his conduct in driving while excessively intoxicated amounts to the use of alcohol in a manner dangerous to both Respondent and the public. As such, his conviction and conduct constitutes unprofessional conduct under section 2234, and a violation under section 2236 (criminal conviction), and section 2239 (dangerous use of alcohol).

SECOND CAUSE FOR DISCIPLINE

(Alcohol Abuse)

13. Paragraphs 9 through 12 are incorporated by reference, as if fully set forth herein.

14. On February 27, 2018, Respondent was interviewed by a Medical Board investigator. Respondent acknowledged that he was an alcoholic and had sought treatment for his alcoholism in February 2017, and that he was presently enrolled in a five (5) year alcohol recovery program.

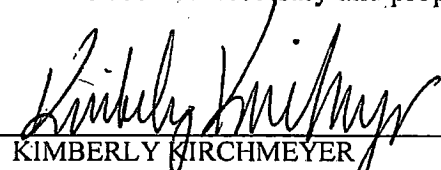
15. Respondent's certificate is subject to Board action pursuant to Business and Professions Code section 822 in that Respondent's alcohol dependency impairs his ability to safely practice medicine.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

- 1 1. Revoking or suspending Physician and Surgeon's Certificate Number G 78611, issued
- 2 to Steven Nelson Pyke, M.D.;
- 3 2. Revoking, suspending or denying approval of Steven Nelson Pyke, M.D.'s authority
- 4 to supervise physician assistants and advanced practice nurses;
- 5 3. Ordering Steven Nelson Pyke, M.D., if placed on probation, to pay the Board the
- 6 costs of probation monitoring; and
- 7 4. Taking such other and further action as deemed necessary and proper.

8
9 DATED: May 11, 2018


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
State of California
Complainant

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25 SF2018400586/21108428