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Attorney General of California
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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. 03-2011-215765
OAH No. 2013060230

11
12 **STEVEN JEFFREY HARRIS, M.D.**
Pacific Frontier Medical, Inc.
13 **570 Price Ave., Suite 200**
Redwood City, CA 94063

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 **Physician's and Surgeon's Certificate No.**
15 **A72195**

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 Interim Executive Director of the
22 Medical Board of California. She brought this action solely in her official capacity and is
23 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
24 Lawrence Mercer and Esther La, Deputy Attorneys General.

25
26 2. Respondent is represented in this matter by Gary Wittenberg, Esq., Baranov and
27 Wittenberg, 1901 Avenue of the Stars, Suite 1750, Los Angeles, CA 90067.
28

1 2011-215765, and that he has thereby subjected his Physician's and Surgeon's Certificate to
2 disciplinary action. Respondent further agrees to be bound by the Board's imposition of
3 discipline as set forth in the Disciplinary Order below.

4 **CONTINGENCY**

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

15 10. The parties understand and agree that Portable Document Format (PDF) and
16 facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and
17 facsimile signatures thereto, shall have the same force and effect as the originals.

18 11. In consideration of the foregoing admissions and stipulations, the parties agree that
19 the Board may, without further notice or formal proceeding, issue and enter the following
20 Disciplinary Order:

21 **DISCIPLINARY ORDER**

22 **A. PUBLIC REPRIMAND**

23 **IT IS HEREBY ORDERED:** that Physician's and Surgeon's Certificate No. A72195
24 issued to Respondent Steven Jeffrey Harris, M.D., shall be and is hereby Publicly Reprimanded
25 pursuant to California Business and Professions Code section 2227, subdivision (a)(4). This
26 Public Reprimand, which is issued in connection with Respondent's actions as set forth in
27 Accusation No. 03-2011-215765, is as follows:

28 "In early 2011 you recommended, dispensed and administered IV garlic

1 (Allicin) to Patients A.P. and T.L. for treatment of chronic late stage Lyme Disease.
2 At that time, there was not sufficient evidence-based data available regarding the
3 efficacy and safety of IV garlic for treatment of the patients' condition. You also
4 failed to obtain written informed consent from the patients regarding the treatment
5 with IV garlic."

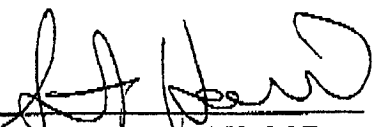
4 **B. EDUCATION COURSE** Within 60 days of the effective date of this Decision,
5 Respondent shall submit to the Board or its designee for its prior approval educational program(s)
6 or course(s) which shall not be less than 40 hours, exclusive of existing CME requirements. The
7 educational program(s) or course(s) shall be aimed at any areas of deficient practice, as identified
8 in the Accusation and shall include, but not be limited to, evidence-based treatment techniques for
9 Holistic/Integrative Medicine as offered by the Scripps Holistic/Integrative Medicine Program, or
10 an equivalent, as well as courses pertaining to informed consent. The educational program(s) or
11 course(s) shall be at Respondent's expense, shall be Category I certified and shall be in addition
12 to the Continuing Medical Education requirements for renewal of licensure. Following the
13 completion of each course, the Board or its designee may administer an examination to test
14 Respondent's knowledge of the course. Respondent shall provide proof of attendance for 65
15 hours of CME of which 40 hours were in satisfaction of this condition. Failure to complete the
16 agreed course work within one (1) year shall constitute unprofessional conduct.

17 **ACCEPTANCE**

18 I, STEVEN JEFFREY HARRIS, M.D., have carefully read this Stipulated Settlement and
19 Disciplinary Order and, having the benefit of counsel, enter into it freely, voluntarily, intelligently
20 and with full knowledge of its force and effect on my Physician's and Surgeon's Certificate No.
21 A72195. I fully understand that, after signing this stipulation, I may not withdraw from it, that it
22 shall be submitted to the Medical Board of California for its consideration, and that the Board
23 shall have a reasonable period of time to consider and act on this stipulation after receiving it. By
24 entering into this stipulation, I fully understand that, upon formal acceptance by the Board, I shall
25 be publically reprimanded by the Board and shall be required to comply with all of the terms and
26 conditions of the Disciplinary Order set forth above. I also fully understand that any failure to
27 comply with the terms and conditions of the Disciplinary Order set forth above shall constitute
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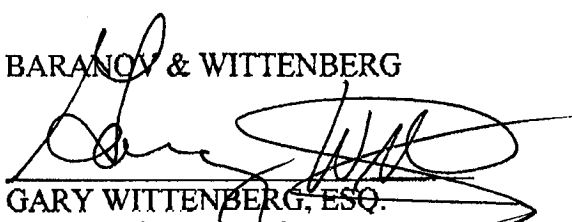
1 unprofessional conduct and that my Physician's and Surgeon's Certificate No. A72195 will be
2 subject to further disciplinary action.

3
4 Dated: 10/8/13


5 STEVEN JEFFREY HARRIS, M.D.
6 Respondent

7 I have read and fully discussed with Respondent STEVEN JEFFREY HARRIS, M.D. the
8 terms and conditions and other matters contained in the above Stipulated Settlement and
9 Disciplinary Order. I approve its form and content.

10
11 Dated: 10/8/13

12 BARANOV & WITTENBERG

13 GARY WITTENBERG, ESQ.
14 Attorneys for Respondent

15
16
17 **ENDORSEMENT**

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
19 submitted for consideration by the Medical Board of California of the Department of Consumer
20 Affairs.

21 Dated: _____

22 KAMALA D. HARRIS
23 Attorney General of California
24 JOSE R. GUERRERO
25 Supervising Deputy Attorney General

26 ESTHER H. LA
27 Deputy Attorney General
28 Attorneys for Complainant

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1 unprofessional conduct and that my Physician's and Surgeon's Certificate No. A72195 will be
2 subject to further disciplinary action.

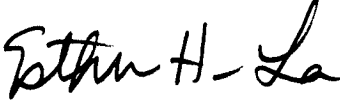
3
4 Dated: _____
5 STEVEN JEFFREY HARRIS, M.D.
6 Respondent

7 I have read and fully discussed with Respondent STEVEN JEFFREY HARRIS, M.D. the
8 terms and conditions and other matters contained in the above Stipulated Settlement and
9 Disciplinary Order. I approve its form and content.

10
11 Dated: _____ BARANOV & WITTENBERG
12
13 _____
14 GARY WITTENBERG, ESQ.
15 Attorneys for Respondent

16
17 **ENDORSEMENT**

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
19 submitted for consideration by the Medical Board of California of the Department of Consumer
20 Affairs.

21 Dated: Oct. 11, 2013
22 KAMALA D. HARRIS
23 Attorney General of California
24 JOSE R. GUERRERO
25 Supervising Deputy Attorney General
26 
27 ESTHER H. LA
28 Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 03-2011-215765

1 KAMALA D. HARRIS
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2 JOSE R. GUERRERO
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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO August 27, 2013
BY: JYELCHAK ANALYST

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

10 In the Matter of the First Amended Accusation
11 Against:

Case No. 03-2011-215765

12 **STEVEN JEFFREY HARRIS, M.D.**
Pacific Frontier Medical, Inc.
13 **570 Price Ave., Suite 200**
14 **Redwood City, CA 94063**

FIRST AMENDED ACCUSATION

15 **Physician's and Surgeon's Certificate**
No. A72195

16 Respondent.

17
18 Complainant alleges:

19 PARTIES

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

23 2. On or about June 22, 2000, the Medical Board of California issued Physician's and
24 Surgeon's Certificate Number A72195 to Steven Jeffrey Harris, M.D. (Respondent). The
25 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the
26 charges brought herein and will expire on May 31, 2014, unless renewed.

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28

JURISDICTION

1
2 3. This Accusation is brought before the Medical Board of California (Board)¹ under the
3 authority of the following laws. All section references are to the Business and Professions Code
4 unless otherwise indicated.

5 4. Section 2004 of the Code states in relevant part:

6 “The board shall have the responsibility for the following:

7 “(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice
8 Act.

9 “(b) The administration and hearing of disciplinary actions.

10 “(c) Carrying out disciplinary actions appropriate to findings made by a panel or an
11 administrative law judge.

12 “(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of
13 disciplinary actions.

14 “(e) Reviewing the quality of medical practice carried out by physician and surgeon
15 certificate holders under the jurisdiction of the board.”

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

20 6. Section 2234 of the Code states in pertinent part:

21 “The board shall take action against any licensee who is charged with unprofessional
22 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
23 limited to, the following:

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

26 “(b) Gross negligence.

27 ¹ The term “Board” means the Medical Board of California; “Division of Medical
28 Quality” shall also be deemed to refer to the Board.

1 “(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or
2 omissions. An initial negligent act or omission followed by a separate and distinct departure from
3 the applicable standard of care shall constitute repeated negligent acts.

4 “(1) An initial negligent diagnosis followed by an act or omission medically appropriate
5 for that negligent diagnosis of the patient shall constitute a single negligent act.

6 “(2) When the standard of care requires a change in the diagnosis, act, or omission that
7 constitutes the negligent act described in paragraph (1), including, but not limited to, a
8 reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the
9 applicable standard of care, each departure constitutes a separate and distinct breach of the
10 standard of care.

11 “(d) Incompetence.”

12 7. Section 2234.1 of the Code provides in pertinent part:

13 “(a) A physician and surgeon shall not be subject to discipline pursuant to subdivision (b),
14 (c), or (d) of Section 2234 solely on the basis that the treatment or advice he or she rendered to a
15 patient is alternative or complementary medicine, including the treatment of persistent Lyme
16 disease, if that treatment or advice meets all of the following requirements:

17 “(1) It is provided after informed consent and a good-faith prior examination of
18 the patient, and medical indication exists for the treatment or advice, or it is provided for health or
19 well-being.

20 “(2) It is provided after the physician and surgeon has given the patient
21 information concerning conventional treatment and describing the education, experience, and
22 credentials of the physician and surgeon related to the alternative or complementary medicine that
23 he or she practices.

24 “(3) In the case of alternative or complementary medicine, it does not cause a
25 delay in, or discourage traditional diagnosis of, a condition of the patient.

26 “(4) It does not cause death or serious bodily injury to the patient.”

27 8. Section 2078 of the Code provides in pertinent part:

28 “(a) As used in this section, “DMSO” means dimethyl sulfoxide.

1 “(b) A licensed physician and surgeon shall, prior to treating a patient with a DMSO
2 preparation, inform the patient in writing if DMSO has not been approved as a treatment or cure
3 by the Food and Drug Administration for the disorder for which it is being prescribed.

4 “(c) If DMSO is prescribed for any purpose other than for those purposes approved
5 pursuant to Section 111550 of the Health and Safety Code, informed consent shall first be
6 obtained from the patient. As used in this subdivision, “informed consent” means the
7 authorization given by the patient for treatment with DMSO after each of the following
8 conditions have been satisfied:

9 “(1) The patient is informed verbally, in nontechnical terms, about all of the
10 following:

11 “(A) A description of treatment procedures to be used in administering DMSO.

12 “(B) A description of any attendant discomfort and risks to the patient that can be
13 reasonably expected from treatment with DMSO.

14 “(C) An explanation of any benefits to the patient that can be reasonably expected.

15 “(D) An explanation of any appropriate alternative procedures, drugs, or devices
16 that might be advantageous to the patient, and their relative risks and benefits.

17 “(E) An offer to answer any inquiries concerning the treatment of the procedures
18 involved.

19 “(2) The patient signs and dates a written consent form acknowledging that
20 disclosure has been given pursuant to paragraph (1), and acknowledging consent to treatment
21 with DMSO pursuant to this section. The patient shall be provided with a copy of the signed and
22 dated form.”

23 FIRST CAUSE FOR DISCIPLINE

24 (Gross Negligence/Repeated Negligent Acts/Incompetence re Patient A.P.)

25 9. Respondent is subject to disciplinary action for unprofessional conduct under Code
26 section 2234, including subsections (b) and/or (c) and/or (d), in that Respondent was grossly
27 negligent and/or repeatedly negligent and/or incompetent in his care and treatment of Patient A.P.
28 The circumstances are as follows:

1 10. Respondent operates Pacific Frontier Medical, Inc. in Redwood City, California. He
2 is board-certified in Family Medicine. According to Respondent's website, his practice focuses
3 on diagnosing and treating Lyme disease and other tick-borne co-infections.

4 11. On or about January 14, 2009, A.P., a then 26-year old female patient, was seen at
5 Respondent's office for evaluation of possible Lyme disease. An initial history and examination
6 was conducted by Y. L., a physician assistant. A.P. reported a tick bite in December 2008 as well
7 as prior tick bites in 2005 or 2006. She did not recall developing any rash or lesions. She
8 reported numerous complaints, including memory problems, fevers, headaches, mood swings,
9 poor sleep, muscle and joint pain, slurred speech, and numbness and tingling in her extremities
10 and face. She reported having been diagnosed with attention deficit disorder as a child. She
11 reported seeing a psychiatrist for depression and questionable borderline personality. She was
12 taking Adderall and Ambien. Y.L. did not find any significant abnormalities on physical
13 examination. Y.L.'s assessment was "multisystemic complaints with recent tick bite."
14 Zithromax, an antibiotic, was prescribed and laboratory tests were ordered. There is no evidence
15 that Respondent examined A.P. during this initial visit; however, Respondent initialed the
16 patient's chart.

17 12. A.P. returned to Respondent's office on or about February 3, 2009, to review
18 laboratory results. Immunoglobulin M (IgM) and Immunoglobulin G (IgG) Western Blots were
19 negative for Lyme disease under the Center for Disease Control (CDC) criteria. Additionally,
20 laboratory results were negative for Babesia; negative for Bartonella; negative for Human
21 Menocytic Ehrlichiosis (HME); and Lyme Polymerase Chain Reaction (PCR) was negative.
22 However, Y.L. noted that IgM Western Blot was positive (apparently under a lower criteria) and
23 that Human Granulocytic Ehrlichiosis (HGE) was positive. Her assessment was "lyme," "HGE,"
24 and "possible co-infections despite neg tests." A.P. was continued on Zithromax, and was also
25 prescribed Doxycycline, another antibiotic. She was also started on BLT (Bartonella-Lyme
26 Tincture) and Enula – both herbal remedies. Respondent initialed the patient's chart.

27 13. A.P. was next seen by Y.L. for a follow-up examination on March 9, 2009. A.P.
28 continued to have multiple complaints, but no significant objective findings were noted. No vital

1 signs were recorded. A.P. was continued on Zithromax, discontinued on Doxycycline, prescribed
2 Bicillin, another antibiotic, and prescribed Plaquenil and Malarone, both anti-malaria drugs. A.P.
3 was continued on BLT, and started on a “stress buster kit,” “detox and drainage” kit, and
4 “pinella” – all homeopathic and/or herbal remedies. Respondent initialed the patient’s chart.

5 14. A.P. was next seen by Y.L. on April 6, 2009. Examination revealed “slight
6 inflammation of cuticles on forefingers.” No vital signs were recorded. A.P.’s dosage of Bicillin
7 was increased and she was continued on Malarone, Zithromax, and Plaquenil. Alinia, an
8 antiprotozoal drug, and Singulair, a drug used to treat asthma, were also added to her treatment
9 regimen. Respondent initialed the patient’s chart.

10 15. A.P. was next seen by Y.L. on May 11, 2009. No vital signs were recorded. A.P.
11 was continued on Bicillin, Zithromax, Plaquenil, and Alinia. Mepron, another antiprozoal drug,
12 was added. Respondent was also started on “200 mg of zen.” Respondent initialed the patient’s
13 chart.

14 16. On June 10, 2009, A.P. was seen by Respondent. Respondent noted that A.P. was
15 “doing poorly with significant fatigue, malaise, weakness, headaches, irritability, and tremors.”
16 No vital signs were recorded. Respondent’s assessment was “Neurologic Lyme and likely
17 Babesia.” Respondent’s treatment plan included: “continue Bicillin for now;” “use Cat cream
18 and fish oil,” “stop Plaquenil,” “follow-up with Dr. Felch” (a chiropractor); “obtain thyroid, PTH
19 [parathyroid hormone], vitamin D, and neurotransmitters,” and “consider colon hydrotherapy and
20 vitamin D as well as Adrena Calm cream.”

21 17. A.P. continued to see Respondent and/or Y.L. on approximately a monthly basis
22 through at least March 2011. A.P.’s vital signs were not recorded during these visits.
23 Respondent’s last office visit notes for A.P., dated March 30, 2011, show an assessment of Lyme,
24 Bartonella, and Babesia. During this time, Respondent prescribed numerous additional
25 medications, supplements, and herbal remedies, including intravenous (IV) Rocephin, IV
26 Glutathione, L-Drain, K-Drain, UltraInflamX, Biaxin, Minocycline, Darvocet, Chlorella,
27 enzymes, HCL betaine, Actigall, Bactroban, Burbur,; Notatum/Quentens nasal spray; Bronchi
28 Pertu; Lyrica, Trental, IV amino acids; Zenpep; IV Zithromax; IV Invanz; bee venom injections;

1 IV Doxycycline; IV Silver; Cortef; Nuvigil; IV Ketamine; Tindamax; Cipro, Amoxicillin;
2 Artemisinin; Ketek, and IV garlic.

3 18. At Respondent's recommendation, A.P. also consulted with and received treatment
4 from Dr. C.R., a naturopath.

5 19. There is no evidence that Respondent received informed consent from A.P. regarding
6 treatment with IV glutathione, IV amino acids, IV silver, or IV garlic.

7 20. On or about May 3, 2011, A.P. developed acute and severe symptoms, including
8 abdominal pain, nausea and vomiting, after self-administering IV garlic received from
9 Respondent's office. On May 4, 2011, A.P.'s parents took her to the Good Samaritan emergency
10 room where she was admitted to ICU. She was found to be hypotensive secondary to bacterial
11 sepsis. She was diagnosed as having catheter-related polymicrobial septicemia; candida
12 fungemia; mild renal impairment; mild hepatitis; cavitory lesions/microabesses; and herpetic cold
13 sores. She was hospitalized for 8 days, and discharged on May 11, 2011.

14 21. Respondent's overall conduct, acts and/or omissions with regard to patient A.P.
15 constitutes unprofessional conduct through gross negligence and/or repeated acts of negligence
16 and/or incompetence. More specifically, Respondent is guilty of unprofessional conduct with
17 regard to A.P. as follows:

18 A. Respondent subjected A.P. to unnecessary and unconventional therapeutic regime,
19 including IV garlic, which resulted in serious harm.

20 B. Respondent prescribed IV Ketamine without medical indication.

21 C. Respondent did not obtain informed consent regarding treatment with IV glutathione,
22 IV amino acids, or IV garlic.

23 D. Respondent failed to routinely assess and/or document A.P.'s vital signs.

24 SECOND CAUSE FOR DISCIPLINE

25 (Gross Negligence/Repeated Negligent Acts/Incompetence re Patient T.L.)

26 22. Respondent is subject to disciplinary action for unprofessional conduct under Code
27 section 2234, including subsections (b) and/or (c) and/or (d), in that Respondent was grossly
28

1 negligent and/or repeatedly negligent and/or incompetent in his care and treatment of Patient T.L.

2 The circumstances are as follows:

3 23. On or about March 25, 2010, T.L., a then 54-year old male patient, was seen at
4 Respondent's office for evaluation of Lyme disease. T.L. did not recall having a tick bite or
5 developing any rash or lesions. T.L. reported numerous complaints, including fatigue, flu-like
6 symptoms, loss of appetite, hair loss, sore throat, sore glands, night sweats, chills, chest pain
7 tightness, musculoskeletal pain and swelling, anxiety attacks, decreased concentration, headaches,
8 memory problems, mood swing, nightmares, panic attacks, poor balance and difficulty walking,
9 seizures, difficulty sleeping, tremors, and weakness of limbs, abdominal pain, constipation,
10 nausea, vomiting, and weight loss. T.L. reported that he had never been diagnosed with Lyme
11 disease.

12 24. Laboratory tests conducted in April 2010 were negative for Lyme disease.

13 25. Respondent's notes dated May 11, 2010 also state that laboratory tests were negative
14 for Lyme disease, and Respondent's assessment was "myalgias with hyperesthes." Despite the
15 negative laboratory results, Respondent noted that "Bartonella/Lyme is still a possibility," and
16 T.L. was started on the "Cowden protocol," a homeopathic protocol for treating Lyme disease,
17 and also started on "BSP 201," a supplement.

18 26. On or about June 10, 2010, Respondent prescribed Doxycycline, an antibiotic.

19 27. On or about September 13, 2010, T.L. was examined by physician assistant Y.L., who
20 noted that T.L. was doing poorly overall. Y.L.'s assessment was "probably lyme." No vital signs
21 were recorded.

22 28. T.L. continued to complain of worsening symptoms and saw Respondent and/or Y.L.
23 on approximately a bi-monthly basis through at least March 2012. T.L.'s vital signs were not
24 recorded during these visits.

25 29. Respondent's notes dated November 2, 2010 state that T.L. has "remarkable pain,
26 fatigue, weakness, malaise, and significant reactivity. He is unable to control the pain with the
27 current regimen." Respondent's assessment was "Lyme with severe full body symptoms, quite
28

1 ill.” Respondent’s plan included starting “ketamine IV,” “obtain a KPU and copper,” “Continue
2 the current regimen with Dr. R,” and “Consider remediating the house for mold.”

3 30. Respondent’s notes dated February 2, 2011 state that T.L. had complaints of
4 “profound fatigue and weakness” and that “Overall, the patient continues to do poorly.”
5 Respondent also noted that T.L. was “still addressing mold and would like to begin a more
6 aggressive treatment for Lyme.” Respondent’s assessment was “Lyme,” “Mold,” and
7 “Neurologic decline.” Respondent’s treatment plan included: “consider ketamine;” “consider a
8 port;” “recommend IV Garlic.”

9 31. Progress notes from February 28, 2011 indicate that T.L. was seen by Y.L., who
10 noted that “patient continues to do poorly. Profound fatigue and weakness.” IV Garlic was
11 started. In addition, oral Septra, an antibiotic, was started, and T.L. was continued on Sporanox
12 and Nystatin – both antifungal drugs. He was also continued on Lymphosot and Itires – both
13 homeopathic remedies.

14 32. A list of T.L. medications from February 2011 indicates that he was being treated
15 with over 50 medications, supplements and herbal/homoeopathic remedies.

16 33. Respondent’s notes dated April 14, 2011 state that T.L. had “severe tendinosis and
17 full body pain.” Respondent noted that Dr. R’s priorities were “Borreliia and heavy metals.” T.L.
18 reported feeling much worse for several days after IV Garlic treatment. T.L. reported having to
19 increase his pain medications, having severe nausea and severe weakness, and needing to walk
20 with a cane. Respondent’s treatment plan was to “ramp up Rocephin,” “start Actigall,” “decrease
21 Garlic,” and “use ketamine intranasal every few hours.”

22 34. On or about May 5, 2011, T.L. was admitted to Good Samaritan Hospital with
23 complaints of fever, chills and adnominal pain. T.L. reported having received IV garlic and IV
24 DMSO (Dimethyl sulfoxide) infusions through a Mediport. T.L. was diagnosed as having
25 Klebsiella oxytoca bacteremia and Gallbladder dyskinesia. T.L.’s Mediport was removed, and he
26 was discharged on May 9, 2011, with the advisement not to take any IV materials and substances
27 that are not FDA approved and manufactured under strict FDA regulations to ensure standards of
28 safety.

1 35. Following his discharge from the Good Samaritan Hospital, T.L. continued to receive
2 treatment under Respondent's care, including treatment with IV Levaquin, IM Invanz, Takuna,
3 Transfer Factor, increased dosage of Nystatin, Yeast Ease, Olive Leaf Extract Secure; Enhansa
4 Lee Silsby Pharmacy, Aloe 225, Magnesium Malate, vitamin C, GI revive, Aloe vera juice,
5 Chamomile Tea, DGL, Cromolyn sodium, Reglan, Cryptolepis, and Malarone. Respondent also
6 noted that "removing metals from mouth" should be considered.

7 36. T.L.'s medication list dated November 28, 2011, identifies over 15 prescribed
8 medications (including IV glutathione and IV Ketamine), 4 herbal/homeopathic remedies, and 29
9 supplements.

10 37. There is no evidence that Respondent obtained informed consent to treat T.L. with IV
11 garlic, IV glutathione, IV DMSO, or IV Ketamine.

12 38. Respondent's overall conduct, acts and/or omissions with regard to patient T.L.
13 constitutes unprofessional conduct through gross negligence and/or repeated acts of negligence
14 and/or incompetence. More specifically, Respondent is guilty of unprofessional conduct with
15 regard to T.L. as follows:

16 A. Respondent continued to prescribe multiple courses of antibiotics (IV, oral and
17 intramuscular) for over a year even though there were no signs of improvement. Prolonged
18 courses of antibiotics can result in adverse reactions and select resistance to the common bacterial
19 infections he could acquire later on in life.

20 B. Respondent prescribed IV Ketamine without medical indication.

21 C. Respondent subjected T.L. to other unnecessary therapeutic regime, including IV
22 garlic, which resulted in serious harm.

23 D. Respondent failed to obtain informed consent regarding treatment with IV garlic, IV
24 glutathione, IV DMSO, or IV Ketamine.

25 E. Respondent failed to review his treatment plan for T.L., including failing to repeat
26 laboratory tests to confirm whether T.L. had Lyme Disease.

27 F. Respondent failed to routinely assess and/or document T.L.'s vital signs.

28

1 THIRD CAUSE FOR DISCIPLINE

2 (Treating with DMSO without Informed Consent)

3 39. Respondent is subject to disciplinary action for unprofessional conduct under Code
4 section 2234(a) in that Respondent treated T.L. with DMSO without obtaining informed consent,
5 in violation of Code section 2078.

6 FOURTH CAUSE FOR DISCIPLINE

7 (Gross Negligence/Repeated Negligent Acts/Incompetence re Patient L.H.)

8 40. Respondent is subject to disciplinary action for unprofessional conduct under Code
9 section 2234, including subsections (b) and/or (c) and/or (d), in that Respondent was grossly
10 negligent and/or repeatedly negligent and/or incompetent in his care and treatment of Patient L.H.
11 The circumstances are as follows:

12 41. Respondent's medical records indicate that he began treating L.H. in 2006, when L.H.
13 was 13-years of age. In February 2006, L.H.'s mother filled out a Lyme Disease Questionnaire in
14 which she stated that L.H. had tested positive for Babesia and Bartonella in November 2005.
15 Respondent's medical records do not include any positive laboratory results for Babesia or
16 Bartonella.

17 42. Respondent's notes from January 17, 2007 show an assessment of Lyme and
18 Bartonella. However, there is no evidence that Respondent conducted any laboratory tests prior
19 to making such diagnoses. IgG and IgM Western Blots, conducted on May 31, 2007, were both
20 negative for Lyme disease. Subsequent IgG and IgM Western blots conducted in January 2008,
21 February 2009, and July 2010 were again all negative for Lyme disease. A Bartonella FISH test,
22 conducted in October 2010, was also negative.

23 43. L.H. continued to see Respondent on approximately a monthly basis through at least
24 March 2012. During this time, Respondent prescribed numerous IV and oral antibiotics, in
25 various combinations, including IV Doxycycline, IV Invanz, IV Rocephin, IV Zithromax, IV
26 Cefuroxime, Rifampin, Minocycline, Avelox, Septra, Moxatag, Nystatin, Tindamax, Penicillin,
27 and Zyvox. L.H. was also treated with numerous homeopathic remedies, including IV
28

1 glutathione, IV Freamine, and numerous supplements, anti-microbials, and detoxification
2 remedies.

3 44. There is no evidence that Respondent obtained informed consent to treat L.H. with IV
4 glutathione or IV Freamine.

5 45. On or about February 9, 2012, L.H. was admitted to El Camino Hospital with fevers
6 and chills. She was diagnosed as having sepsis due to a Hickman catheter infection, which had
7 been in place for 4.5 years. According to the emergency room physician, L.H.'s mother
8 presented a medication list that identified over 70 medications and homeopathic remedies,
9 including IV Cefuroxime, IV glutathione, and IV Freamine, as well as oral Penicillin and Zyvox.
10 The Hickman catheter was removed, and L.H. was discharged from El Camino Hospital on
11 February 12, 2012.

12 46. Respondent's overall conduct, acts and/or omissions, with regard to patient L.H.,
13 constitutes unprofessional conduct through gross negligence and/or repeated acts of negligence
14 and/or incompetence. More specifically, Respondent is guilty of unprofessional conduct with
15 regard to L.H. as follows:

16 A. Respondent continued to prescribe multiple courses of antibiotics (IV and oral) for
17 over a five-year period even though there were little, if any, signs of improvement. Prolonged
18 courses of antibiotics can result in adverse reactions and select resistance to the common bacterial
19 infections she could acquire later on in life.

20 B. Respondent failed to obtain informed consent regarding treatment with IV glutathione
21 and IV Freamine.

22 C. Respondent failed to routinely assess and/or document L.H.'s vital signs.

23 FIFTH CAUSE FOR DISCIPLINE

24 (Repeated Negligent Acts)

25 47. Respondent is subject to disciplinary action for unprofessional conduct under Code
26 section 2234(c) for repeated negligent acts with regard to his acts and/or omissions as alleged in
27 paragraphs 9 through 46 which are incorporated herein by reference as if fully set forth.

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