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

In the Matter of the Accusation Against:	)	
Harinder Grewal, M.D.	)	**File No. 800-2014-009602**
Physician's and Surgeon's Certificate No. A 32070	)	
Respondent	)	

ORDER CORRECTING NUNC PRO TUNC DECISION

On its own motion, the Medical Board of California (hereafter "board") hereby corrects the signature block of this Decision to indicate the correct signer.

IT IS SO ORDERED: January 11, 2019.

MEDICAL BOARD OF CALIFORNIA

By: Ronald H Lewis, MD

Ronald H. Lewis, M.D., Chair
Panel A

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

In the Matter of the Accusation Against:	)	
Harinder Grewal, M.D.	)	File No. 800-2014-009602
Physician's and Surgeon's Certificate No. A 32070	)	
Respondent	)	

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 February 8, 2019.

IT IS SO ORDERED January 11, 2019.

MEDICAL BOARD OF CALIFORNIA

By: Kristina Lawson

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

XAVIER BECERRA
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General
CINDY M. LOPEZ
Deputy Attorney General
State Bar No. 119988
California Department of Justice
300 So. Spring Street, Suite 1702
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Telephone: (213) 269-6494
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Attorneys for Complainant

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

In the Matter of the Accusation Against: **HARINDER GREWAL, M.D.** **24275 JEFFERSON AVE** **MURRIETA , CA** **92562** **Physician's and Surgeon's Certificate No. A 32070** Respondent.	Case No. 800-2014-009602 OAH No. 2018030682 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

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

PARTIES

1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board of California (Board). She brought this action solely in her official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Cindy M. Lopez, Deputy Attorney General.

2. Respondent HARINDER GREWAL, M.D. (Respondent) is represented in this proceeding by attorneys Dennis K. Ames, Esq., and Pogey Henderson, Esq., whose address is: 2677 North Main Street, Suite 901, Santa Ana, CA 92705-6632.

3. On or about March 23, 1978, the Board issued Physician's and Surgeon's Certificate No. A 32070 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2014-009602, and will expire on September 30, 2019, unless renewed.

JURISDICTION

4. Accusation No. 800-2014-009602 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on November 3, 2017. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2014-009602 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2014-009602. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2014-009602, if proven at a hearing, constitute cause for imposing discipline upon her Physician's and Surgeon's Certificate.

10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a prima facie case for the charges in the Accusation, and that Respondent hereby gives up her right to contest those charges, for the purpose of this proceeding only.

11. Respondent agrees that her Physician's and Surgeon's Certificate is subject to discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

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

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

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

DISCIPLINARY ORDER

A. PUBLIC REPRIMAND

It is hereby ordered that Respondent, as the holder of Physician's and Surgeon's Certificate No. A 32070, shall be and hereby is publicly reprimanded pursuant to Business and Professions Code section 2227, subdivision (a)(4) as follows:

"Dr. Grewal committed several simple departures from the standard of care with regards to three different patients."

B. EDUCATION COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for its prior approval educational program(s) or course(s) which shall not be less than 20 hours. The educational program(s) or course(s) shall be aimed at correcting any areas of deficient practice or knowledge and shall be Category I certified. The educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure. Following the completion of each course, the Board or its designee may administer an examination to test Respondent's knowledge of the course. Respondent shall provide proof of attendance for 45 hours of CME of which 20 hours were in satisfaction of this condition.

C. PRESCRIBING PRACTICES COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in prescribing practices approved in advance by the Board or its designee. Respondent shall provide the approved course provider with any information and documents that the approved course provider may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The prescribing practices course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

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

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

D. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in medical record keeping approved in advance by the Board or its designee. Respondent shall provide the approved course provider with any information and documents that the approved course provider may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The medical record keeping course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

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

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorneys, Dennis K. Ames, Esq., and Pogey Henderson, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 10-31-2018

HARINDER GREWAL, M.D.
Respondent

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

DATED: 11-1-18

DENNIS K. AMES, ESQ.
POGEY HENDERSON, ESQ.
Attorneys for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: 12.5.18

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General

CINDY M. LOPEZ
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 800-2014-009602

XAVIER BECERRA
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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Nov. 3 20 17
BY ANALYST

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

In the Matter of the Accusation Against: **Harinder Grewal, M.D.** **24275 Jefferson Ave.** **Murrieta, CA 92562** **Physician's and Surgeon's Certificate No. A 32070,** Respondent.	Case No. 800-2014-009602 **ACCUSATION**

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 (Board).

2. On or about March 23, 1978, the Medical Board issued Physician's and Surgeon's Certificate Number A 32070 to Harinder Grewal, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2019, unless renewed.

JURISDICTION

3. This Accusation is brought before the 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, states:

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

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

"(b) Gross negligence.

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

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

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

"(d) Incompetence.

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

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

"(g) The practice of medicine from this state into another state or country without meeting the legal requirements of that state or country for the practice of medicine. Section 2314 shall not

apply to this subdivision. This subdivision shall become operative upon the implementation of the proposed registration program described in Section 2052.5.

"(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board."

6. Section 2266 of the Code states: "The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct."

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

7. Respondent Harinder Grewal, M.D. is subject to disciplinary action under section 2234, subdivision (b), in that she was grossly negligent in her care and treatment of two patients. The circumstances are as follows:

FACTUAL ALLEGATIONS:

A. Patient K.B., a 48 year-old female, saw Respondent for issues with panic attacks, major depression, and anxiety from about February 2012 through June 2016. K.B. had been using Ativan for years. She had been treated for atrial fibrillation (abnormal heart rhythm). There was no documentation that Respondent spoke with her cardiologist.

B. During K.B.'s treatment, Respondent prescribed citalopram (Celexa) which is an anti depressant used to treat major depression. It was 20-40 milligrams, which is rather aggressive given the patient's age and weight of 170 pounds. Respondent discussed the risks for torsades de pointes (a specific type of abnormal heart rhythm that can lead to sudden cardiac death). Respondent did not consider switching from Celexa to another drug which would lower the risk of torsades de pointes.

C. K.B. was dependent on lorazepam (Ativan), which is a benzodiazepine, used for treating anxiety. However, this is not a good medication for the long term control of anxiety since its effect is limited to 6 hours. Prescribing Ativan to a patient who uses alcohol can lead to an incapacitating condition.

D. Patient N.B. was treated from May 2011 through December 2012 with a diagnosis of schizoaffective disorder. This patient was unresponsive to many psychiatric medications and had visits to an inpatient psychiatric hospital. The record is devoid of lab tests. Patient N.B. was prescribed lithium, but there was no attempt to obtain lithium levels, kidney function tests, blood counts, or liver testing.

GROSS NEGLIGENCE

E. Respondent was grossly negligent in her treatment of patient K.B.'s anxiety in light of concurrent medical problems as follows: (1) The standard of care in treating a middle-aged psychiatric patient is to be aware of thyroid functions; Respondent failed to perform thyroid function tests. (2) Since she had a history of using alcohol, the standard of care required Respondent to perform liver function tests and toxicology tests, which she failed to do. (3) Respondent's prescribing of Celexa and Lorazepam was dangerous because of the risk of torsades. Respondent failed to document any discussion of attempts to switch to safer medications.

F. Respondent was grossly negligent in her treatment of patient N.B. in light of her concurrent medical issues as follows: (1) Respondent failed to obtain lithium levels, kidney function tests or toxicology tests for substances of abuse. (2) Despite the fact that the patient's weight was an issue and motive for changing medications, Respondent failed to obtain complete blood counts, liver testing, urine analysis, thyroid function tests, HbA1c tests for diabetes and lipid (cholesterol) levels.

SECOND CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

8. Respondent Harinder Grewal, M.D. is subject to disciplinary action under section 2234, subdivision (c) in that Respondent was negligent in her care and treatment of three patients. The circumstances are as follows:

FACTUAL ALLEGATIONS:

A. Complainant incorporates by reference the allegations contained in paragraphs 7.A. through 7.D. above as if fully set forth herein.

B. Respondent saw patient C.B. from September 2012 to August 2014 for attention deficit hyperactivity disorder (ADHD). Initially she prescribed Ritalin and then switched to Adderall. Patient C.B. was also treated for depression with Celexa. There were no thyroid tests to rule out hyper or hypothyroid conditions which can mimic ADHD.

C. Respondent did not verify whether this patient had any substance abuse issues, which would be an absolute contraindication for prescribing stimulants. Respondent relied on the subjective reports of the patient. Respondent should have also used objective means to confirm a diagnosis, such as lab tests, and she should have confirmed medication adherence with lab tests and pill counts.

REPEATED NEGLIGENT ACTS

D. Respondent was negligent when she failed to verify the appropriate use of stimulant medication in patient C.B. whom she treated for ADHD.

E. Respondent was negligent in her treatment of patient K.B.'s anxiety in light of concurrent medical problems as follows: (1) The standard of care in treating a middle-aged psychiatric patient is to be aware of thyroid functions; Respondent failed to perform thyroid function tests. (2) Since she had a history of using alcohol, the standard of care required Respondent to perform liver function tests and toxicology tests, which she failed to do. (3) Respondent's prescribing of Celexa and Lorazepam was dangerous because of the risk of torsades. Respondent failed to document any discussion of attempts to switch to safer medications.

F. Respondent was negligent in her treatment of patient N.B. in light of her concurrent medical issues as follows: (1) Respondent failed to obtain lithium levels, kidney function tests or toxicology tests for substances of abuse. (2) Despite the fact that the patient's weight was an issue and motive for changing medications, Respondent failed to obtain complete blood counts, liver testing, urine analysis, thyroid function tests, HbA1c tests for diabetes and lipid (cholesterol) levels.

G. Respondent was negligent when she failed to maintain adequate and accurate records of the medical services she provided to patients K.B. and N.B.

THIRD CAUSE FOR DISCIPLINE

(Inadequate Record Keeping)

9. Respondent Harinder Grewal, M.D. is subject to disciplinary action under section 2266 for failing to maintain adequate and accurate medical records. The circumstances are as follows:

A. Complainant incorporates by reference the allegations contained in paragraphs 7.A. through 7.D. above as if fully set forth herein.

B. Respondent failed to keep adequate and accurate records in the cases of patients K.B. and N.B.

PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 32070, issued to Harinder Grewal, M.D.;

2. Revoking, suspending or denying approval of Harinder Grewal, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Harinder Grewal, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: November 3, 2017

KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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