XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General
CAROLYNE EVANS
Deputy Attorney General
State Bar No. 289206
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3448
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: **JEFFREY DAVID NEITLICH, M.D.** **242 Carriage Dr.** **Sequim, WA 98382-7134** **Physician's and Surgeon's Certificate No. G 88487** Respondent	Case No. 800-2018-043899 **DEFAULT DECISION AND ORDER** [Gov. Code §11520]

FINDINGS OF FACT

1. On or about December 12, 2018, Complainant Kimberly Kirchmeyer, in her official capacity as the Executive Director of the Medical Board of California (Board), Department of Consumer Affairs, filed Accusation No. 800-2018-043899 against JEFFREY DAVID NEITLICH, M.D. (Respondent) before the Board.

2. On or about May 6, 2009, the Board issued Physician's and Surgeon's Certificate No. G 88487 to Respondent. The Physician's and Surgeon's Certificate expired on January 31, 2017, and has not been renewed. (Exhibit Packet, Exhibit 1: Certificate of Licensure.)[1]

[1] The evidence in support of this Default Decision and Order is submitted herewith as the "Exhibit Packet."

3. On or about December 12, 2018, an employee of the Board, served by Certified Mail and First Class Mail, a copy of the Accusation No. 800-2018-043899, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 242 Carriage Dr., Sequim, WA 98382-7134 (Exhibit Packet, Exhibit 2: Accusation, related documents, and Declaration of Service.)

4. On January 7, 2019, an employee of the Attorney General's Office served by Certified and First Class mail addressed to Respondent a Courtesy Notice of Default at 242 Carriage Dr., Sequim, WA 98382-7134. The Courtesy Notice of Default with a copy of the Accusation and Notice of Defense advised Respondent that he was in default; that he should take immediate action and file a Notice of Defense; and cautioned him that a decision would be rendered by the Board without hearing if he did not take action. On January 16, 2019, the envelope was returned to the Board stamped "Return to Sender Unable to Forward." (Exhibit Packet, Exhibit 3: Courtesy Notice of Default, Declaration of Service and returned envelope.)

5. On January 10, 2019, an employee of the Board, served by Certified Mail and First Class Mail, a copy of the Accusation No. 800-2018-043899, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent at 2790 Ridgewood Rd NW, Atlanta, GA 30327-1923. On or about January 15, 2019, the Accusation packet was delivered and left with an individual at the address. (Exhibit Packet, Exhibit 4: Accusation packet, Declaration of Service, U.S. Postal Service Tracking results.)

6. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

7. The allegations of the Accusation are true as follows:

On or about March 15, 2018, the North Carolina Medical Board issued a Consent Order (North Carolina Order). The North Carolina Medical Board found that Respondent engaged in unprofessional conduct. The circumstances are as follows:

A. Respondent wrote 10 controlled substances to three individuals for Carisoprodol[2], Clonazepam[3], Diazepam[4], Vicodin[5], Ambien[6], and Xanax[7]. The individuals were identified as Person A, Person's A's daughter, and a friend of Person A. Respondent did not have an established physician/patient relationship with these individuals, did not prepare any documentation or medical charting for any of the prescriptions, and did not contact any of these individuals' treating physicians to report the prescriptions he had authorized.

B. The North Carolina Medical Board found that Respondent's unprofessional conduct violated 21 North Carolina Administrative Code 32B. 1001(c), which in relevant part, prohibits a physician from prescribing controlled substances for the use of any other person living in the same residence as the licensee or to any person with whom a physician is having a sexual relationship.

C. As a result of Respondent's unprofessional conduct, the North Carolina Medical Board issued a letter of reprimand to Respondent and ordered him to complete an ethics course within 6 months of the North Carolina Order. (Exhibit Packet, Exhibit 5: North Carolina Medical Board Order.)

STATUTORY AUTHORITY

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

"(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by

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[2] Carisoprodol is a muscle relaxant and is classified as a Schedule IV controlled substance.

[3] Clonazepam is a benzodiazepine that is most commonly prescribed to treat seizures and panic attacks. It is classified as a Schedule IV controlled substance.

[4] Diazepam is a benzodiazepine that is most commonly prescribed to treat anxiety disorders. It is classified as a Schedule IV controlled substance.

[5] Vicodin is a opioid and acetaminophen pain reliever and it is classified as a Schedule II controlled substance.

[6] Ambien is a sedative that is most commonly prescribed for sleep problems and it is classified as a Schedule IV controlled substance.

[7] Xanax is a benzodiazepine that is most commonly used to treat anxiety disorders and it is classified as a Schedule IV controlled substance.

order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the license on any such ground."

9. Government Code section 11506 states, in pertinent part:

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

Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 800-2018-043899.

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

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

11. Section 2305 of the Code states:

"The revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter [Chapter 5, the Medical Practice Act] shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state."

12. Section 141 of the Code states:

"(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California

license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

"(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."

13. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in Exhibits 1, 2, 3, 4 and 5, finds that the allegations in Accusation No. 800-2018-043899 are true.

DETERMINATION OF ISSUES

Pursuant to the foregoing Findings of Fact, Respondent's conduct and the actions of the North Carolina Medical Board constitute cause for discipline within the meaning of Business and Professions Code sections 2305 and 141 (a).

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ORDER

IT IS SO ORDERED that Physician's and Surgeon's Certificate No. G 88487, heretofore issued to Respondent JEFFREY DAVID NEITLICH, M.D., is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on March 8, 2019 at 5:00 p.m.

It is so ORDERED February 8, 2019.

Kimberly Kirchmeyer, Executive Director
FOR THE MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General
CAROLYNE EVANS
Deputy Attorney General
State Bar No. 289206
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3448
Facsimile: (415) 703-5480
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO DEC. 12 2018
BY [illegible] ANALYST

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

In the Matter of the Accusation Against: **Jeffrey David Neitlich, M.D.** **242 Carriage Dr.** **Sequim, WA 98382-7134** **Physician's and Surgeon's Certificate No. G 88487,** Respondent.	Case No. 800-2018-043899 **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 May 6, 2009, the Medical Board issued Physician's and Surgeon's Certificate Number G 88487 to Jeffrey David Neitlich, M.D. (Respondent). The Physician's and Surgeon's Certificate expired on January 31, 2017, and has not been 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, in part, 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, be publicly reprimanded, or such other action taken in relation to discipline as the Board deems proper.

5. Section 2234 of the Code provides that the Board shall take action against a licensee who is charged with unprofessional conduct.

6. Section 2305 of the Code states:

"The revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter [Chapter 5, the Medical Practice Act] shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state."

7. Section 141 of the Code states:

"(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

"(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a

disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."

CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by Another State)

8. On or about March 15, 2018, the North Carolina Medical Board issued a Consent Order (North Carolina Order). The North Carolina Medical Board found that Respondent engaged in unprofessional conduct. The circumstances are as follows:

9. Respondent wrote 10 controlled substances to three individuals for Carisoprodol[1], Clonazepam[2], Diazepam[3], Vicodin[4], Ambien[5], and Xanax[6]. The individuals were identified as Person A, Person's A's daughter, and a friend of Person A. Respondent did not have an established physician/patient relationship with these individuals, did not prepare any documentation or medical charting for any of the prescriptions, and did not contact any of these individuals' treating physicians to report the prescriptions he had authorized.

10. The North Carolina Medical Board found that Respondent's unprofessional conduct violated 21 North Carolina Administrative Code 32B. 1001(c), which in relevant part, prohibits a physician from prescribing controlled substances for the use of any other person living in the same residence as the licensee or to any person with whom a physician is having a sexual relationship.

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[1] Carisoprodol is a muscle relaxant and is classified as a Schedule IV controlled substance.

[2] Clonazepam is a benzodiazepine that is most commonly prescribed to treat seizures and panic attacks. It is classified as a Schedule IV controlled substance.

[3] Diazepam is a benzodiazepine that is most commonly prescribed to treat anxiety disorders. It is classified as a Schedule IV controlled substance.

[4] Vicodin is a opioid and acetaminophen pain reliever and it is classified as a Schedule II controlled substance.

[5] Ambien is a sedative that is most commonly prescribed for sleep problems and it is classified as a Schedule IV controlled substance.

[6] Xanax is a benzodiazepine that is most commonly used to treat anxiety disorders and it is classified as a Schedule IV controlled substance.

11. As a result of Respondent's unprofessional conduct, the North Carolina Medical Board issued a letter of reprimand to Respondent and ordered him to complete an ethics course within 6 months of the North Carolina Order.

12. Respondent's conduct as set forth above in paragraphs 8 through 11, and the actions of the North Carolina Medical Board, as set forth in the North Carolina Medical Board Order, constitute unprofessional conduct within the meaning of section 2305 and conduct subject to discipline within the meaning of section 141(a). The North Carolina Medical Board Order is attached as Exhibit A.

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 G 88487, issued to Respondent;

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

3. Ordering Respondent, 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:
December 12, 2018

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

EXHIBIT A

North Carolina Medical Board

Timothy E. Lietz, MD: President | Barbara E. Walker, DO: President-Elect | Bryant A. Murphy, MD: Secretary/Treasurer

Re: Jeffrey David Neitlich, M.D.
Year of Birth: 1963

The attached six (6) pages are certified to be a true copy of Dr. Neitlich's official record of the North Carolina Medical Board kept under my custody and control.

This the 31st day of May 2018.

R. David Henderson
Chief Executive Officer

SEAL

1203 Front Street, Raleigh, NC 27609 | P.O. BOX 20007, Raleigh, NC 27619
Tel: (919) 326-1100 | Fax: (919) 326-1131 | Email: info@ncmedboard.org | www.ncmedboard.org

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:	)	
	)	
Jeffrey David Neitlich, M.D.,	)	CONSENT ORDER
	)	
Respondent.	)	

This matter is before the North Carolina Medical Board ("Board") regarding information provided to the Board concerning Jeffrey David Neitlich, M.D. ("Dr. Neitlich"). Dr. Neitlich makes the following admissions and the Board makes the following findings and conclusions:

STATUTORY AUTHORITY

The Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted to it in Article 1 of Chapter 90 of the North Carolina General Statutes and the rules and regulations promulgated thereto.

FINDINGS OF FACT

Dr. Neitlich was first issued a license to practice medicine by the Board on or about March 2, 2011, license number 2011-00269.

At all times relevant hereto, Dr. Neitlich practiced diagnostic radiology in Chapel Hill, North Carolina.

In or around October 2017, the Board received three (3) complaints regarding Dr. Neitlich's prescribing of controlled

substances to Person A, a person with whom Dr. Neitlich has a significant personal and emotional relationship.

A North Carolina Controlled Substances Reporting System ("NCCSRS") survey of prescriptions written by Dr. Neitlich from October 23, 2015 to October 23, 2017, revealed that Dr. Neitlich wrote ten (10) controlled substance prescriptions to three (3) individuals for Carisoprodol, Clonazepam, Diazepam, Vicodin®, Ambien®, and Xanax®.

The individuals were identified as Person A, Person A's daughter, and a friend of Person A. Dr. Neitlich did not have an established physician/patient relationship with these individuals, did not prepare any documentation or medical charting for any of the prescriptions, and did not contact any of these individuals' treating physicians to report the prescriptions he had authorized.

By prescribing to Person A, Dr. Neitlich violated rule 21 NCAC 32B .1001(c) which, in relevant part, prohibits prescribing controlled substances for the use of any other person living in the same residence as the licensee or to any person with whom a physician is having a sexual relationship. Further, Dr. Neitlich's prescribing is in derogation of the Board's Position Statements entitled, "Writing of Prescriptions" and "Self-Treatment and Treatment of Family Members."

CONCLUSIONS OF LAW

Dr. Neitlich acknowledges that his conduct, as described above, constitutes unprofessional conduct, including, but not limited to, departure from or failure to conform to the standards of acceptable and prevailing medical practice, within the meaning of N.C. Gen. Stat. § 90-14(a)(6) and grounds exist under this section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition or limit Dr. Neitlich's license to practice medicine or to deny any application he might make in the future.

PROCEDURAL STIPULATIONS

Dr. Neitlich acknowledges and agrees that the Board has jurisdiction over him and over the subject matter of this case.

Dr. Neitlich knowingly waives his right to any hearing and to any judicial review or appeal in this case.

Dr. Neitlich acknowledges that he has read and understands this Consent Order and enters into it voluntarily.

Dr. Neitlich desires to resolve this matter without the need for more formal proceedings.

The Board has determined that it is in the public interest to resolve this case as set forth below.

ORDER

NOW, THEREFORE, with Dr. Neitlich's consent, it is ORDERED that:

1. Dr. Neitlich's North Carolina license to practice medicine is hereby REPRIMANDED.

2. Within six (6) months of the date of this Consent Order, Dr. Neitlich shall take and successfully obtain a passing score from The Center for Personalized Education for Physicians ProBE ethics course. Dr. Neitlich shall submit evidence of the successful completion of the ProBE course to the Board's Compliance Coordinator at compliance@ncmedboard.org within five (5) days of receiving his grade.

3. Dr. Neitlich shall obey all laws. Likewise, he shall obey all rules and regulations involving the practice of medicine.

4. Dr. Neitlich shall meet with the Board or members of the Board for an investigative interview at such times as requested by the Board.

5. Upon request, Dr. Neitlich shall provide the Board with any information the Board deems necessary to verify compliance with the terms and conditions of this Consent Order.

6. If Dr. Neitlich fails to comply with any of the terms of this Consent Order, that failure shall constitute unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6) and shall be grounds, after any required notice and hearing, for the Board to annul, suspend or revoke his license to practice medicine and to deny any application he might make in the future or then have pending for a license to practice medicine.

7. This Consent Order shall take effect immediately upon its execution by both Dr. Neitlich and the Board, and it shall continue in effect until specifically ordered otherwise by the Board.

8. Dr. Neitlich hereby waives any requirement under any law or rule that this Consent Order be served on him.

9. Upon execution by Dr. Neitlich and the Board, this Consent Order shall become a public record within the meaning of Chapter 132 of the North Carolina General Statutes and shall be subject to public inspection and dissemination pursuant to the provisions thereof. Additionally, it will be reported to persons, entities, agencies, and clearinghouses as required and permitted by law including, but not limited to, the Federation of State Medical Boards and the National Practitioner Data Bank.

By Order of the North Carolina Medical Board this the 15th day of March, 2018.

NORTH CAROLINA MEDICAL BOARD

By: _____
Timothy E. Lietz, M.D.
President

Consented to this the 14th day of March, 2018.

Jeffrey David Neitlich, M.D.

State of North Carolina

County of Chatham

I, Catherine L Davis, do hereby certify that Jeffrey David Neitlich, M.D., personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 14th day of March, 2018.

CATHERINE L DAVIS
NOTARY PUBLIC
ALAMANCE COUNTY, NC
My Commission Expires 9-11-2019

Notary Public

(Official Seal)

My Commission Expires: 09/11/2019