

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

In the Matter of the Accusation Against:)

JEREMY GOODWIN, M.D.)

MBC File # 02-2011-217447

Physician's & Surgeon's)
Certificate No. G 76323)

Respondent.)

**ORDER CORRECTING NUNC PRO TUNC
CLERICAL ERROR IN "PHYSICIAN'S & SURGEON'S CERTIFICATE NUMBER"
PORTION OF DECISION**

On its own motion, the Medical Board of California (hereafter "board") finds that there is a clerical error in the "Physician's & Surgeon's Certificate Number" portion of the Decision in the above-entitled matter and that such clerical error should be corrected so that the license number will conform to the Board's issued license.

IT IS HEREBY ORDERED that the license number contained on the Decision Order Page in the above-entitled matter be and hereby is amended and corrected nunc pro tunc as of the date of entry of the decision to read **G 76323**.

August 19, 2014



Barbara Yaroslavsky, Chair
Panel A

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

In the Matter of the Accusation Against:)	
)	
)	
JEREMY GOODWIN, M.D.)	Case No. 02-2011-217447
)	
Physician's and Surgeon's)	
Certificate No. GFE 76323)	
)	
Respondent.)	
_____)	

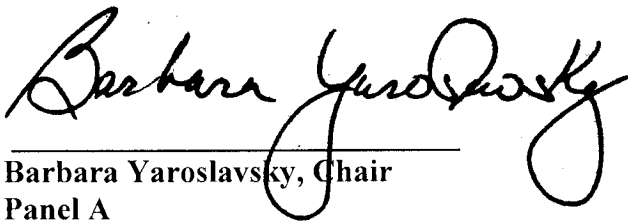
DECISION AND ORDER

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

This Decision shall become effective at 5:00 p.m. on September 3, 2014.

IT IS SO ORDERED August 4, 2014.

MEDICAL BOARD OF CALIFORNIA

By:  _____
Barbara Yaroslavsky, Chair
Panel A

1 KAMALA D. HARRIS
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
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Attorneys for Complainant

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9
10 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**
12

13 In the Matter of the Accusation Against:

14 **JEREMY GOODWIN, M.D.**
15 P.O. Box 1676
Mt. Shasta, CA 96067-1676

16 Physician's and Surgeon's Certificate No. GFE 76323

17
18 Respondent.

Case No. 02-2011-217447

OAH No. 2013070342

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

22 PARTIES

23 1. Kimberly Kirchmeyer ("Complainant") is the Interim Executive Director of the
24 Medical Board of California. She brought this action solely in her official capacity and is
25 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
26 Mara Faust, Deputy Attorney General.

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2. Respondent Jeremy Goodwin, M.D. ("Respondent") is represented in this proceeding by attorney Robert D. Blinder, whose address is: Law Offices of Glazer and Blinder 23945 Calabasas Road, Suite 200, Calabasas, California 91302.

3. On or about April 19, 1993, the Medical Board of California issued Physician's and Surgeon's Certificate No. GFE 76323 to Jeremy Goodwin, M.D. (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. 02-2011-217447 and expired on February 28, 2013.

JURISDICTION

4. Accusation No. 02-2011-217447 was filed before the Medical Board of California (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on May 8, 2013. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 02-2011-217447 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. 02-2011-217447. 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 his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his 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.

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

CULPABILITY

9. Respondent admits the truth of the first cause in Accusation No. 02-2011-217447.

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

CIRCUMSTANCES IN MITIGATION

11. Respondent Jeremy Goodwin, M.D. has never been the subject of any disciplinary action. He is admitting responsibility at an early stage in the proceedings.

RESERVATION

12. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Medical Board of California or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

13. 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 his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his 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.

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

15. 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

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. GFE 76323 issued to Respondent Jeremy Goodwin, M.D. (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1. EDUCATION COURSE. Within 60 calendar days of the effective date of this Decision, and for the first two years of probation, 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 40 hours per year, for each year of probation. 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 65 hours of CME of which 40 hours were in satisfaction of this condition.

2. PRESCRIBING PRACTICES COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in prescribing practices equivalent to the Prescribing Practices Course at the Physician Assessment and Clinical Education Program, University of California, San Diego School of Medicine (Program), approved in advance by the Board or its designee. Respondent shall provide the program with any information and documents that the Program 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

1 enrollment. Respondent shall successfully complete any other component of the course within
2 one (1) year of enrollment. The prescribing practices course shall be at Respondent's expense
3 and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of
4 licensure.

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

10 Respondent shall submit a certification of successful completion to the Board or its
11 designee not later than 15 calendar days after successfully completing the course, or not later than
12 15 calendar days after the effective date of the Decision, whichever is later.

13 3. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective
14 date of this Decision, Respondent shall enroll in a course in medical record keeping equivalent to
15 the Medical Record Keeping Course offered by the Physician Assessment and Clinical Education
16 Program, University of California, San Diego School of Medicine (Program), approved in
17 advance by the Board or its designee. Respondent shall provide the program with any information
18 and documents that the Program may deem pertinent. Respondent shall participate in and
19 successfully complete the classroom component of the course not later than six (6) months after
20 Respondent's initial enrollment. Respondent shall successfully complete any other component of
21 the course within one (1) year of enrollment. The medical record keeping course shall be at
22 Respondent's expense and shall be in addition to the Continuing Medical Education (CME)
23 requirements for renewal of licensure.

24 A medical record keeping course taken after the acts that gave rise to the charges in the
25 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
26 or its designee, be accepted towards the fulfillment of this condition if the course would have
27 been approved by the Board or its designee had the course been taken after the effective date of
28 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.

4. MONITORING - PRACTICE/BILLING. Within 30 calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for prior approval as a practice monitor, the name and qualifications of one or more licensed physicians and surgeons whose licenses are valid and in good standing, and who are preferably American Board of Medical Specialties (ABMS) certified. A monitor shall have no prior or current business or personal relationship with Respondent, or other relationship that could reasonably be expected to compromise the ability of the monitor to render fair and unbiased reports to the Board, including but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

The Board or its designee shall provide the approved monitor with copies of the Decision(s) and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the signed statement for approval by the Board or its designee.

Within 60 calendar days of the effective date of this Decision, and continuing for the first year of probation, Respondent's practice monitor shall be monitored by the approved monitor. Respondent shall make all records available for immediate inspection and copying on the premises by the monitor at all times during business hours and shall retain the records for the entire term of probation.

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1 If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective
2 date of this Decision, Respondent shall receive a notification from the Board or its designee to
3 cease the practice of medicine within three (3) calendar days after being so notified. Respondent
4 shall cease the practice of medicine until a monitor is approved to provide monitoring
5 responsibility.

6 The monitor(s) shall submit a quarterly written report to the Board or its designee which
7 includes an evaluation of Respondent's performance, indicating whether Respondent's practices
8 are within the standards of practice of medicine, and whether Respondent is practicing medicine
9 safely, billing appropriately or both. It shall be the sole responsibility of Respondent to ensure
10 that the monitor submits the quarterly written reports to the Board or its designee within 10
11 calendar days after the end of the preceding quarter.

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

20 In lieu of a monitor, Respondent may participate in a professional enhancement program
21 equivalent to the one offered by the Physician Assessment and Clinical Education Program at the
22 University of California, San Diego School of Medicine, that includes, at minimum, quarterly
23 chart review, semi-annual practice assessment, and semi-annual review of professional growth
24 and education. Respondent shall participate in the professional enhancement program at
25 Respondent's expense during the term of probation.

26 5. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the
27 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice
28 where: 1) Respondent merely shares office space with another physician but is not affiliated for

1 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that
2 location.

3 If Respondent fails to establish a practice with another physician or secure employment in
4 an appropriate practice setting within 60 calendar days of the effective date of this Decision,
5 Respondent shall receive a notification from the Board or its designee to cease the practice of
6 medicine within three (3) calendar days after being so notified. The Respondent shall not resume
7 practice until an appropriate practice setting is established.

8 If, during the course of the probation, the Respondent's practice setting changes and the
9 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent
10 shall notify the Board or its designee within 5 calendar days of the practice setting change. If
11 Respondent fails to establish a practice with another physician or secure employment in an
12 appropriate practice setting within 60 calendar days of the practice setting change, Respondent
13 shall receive a notification from the Board or its designee to cease the practice of medicine within
14 three (3) calendar days after being so notified. The Respondent shall not resume practice until an
15 appropriate practice setting is established.

16 6. PROHIBITED PRACTICE. During probation, Respondent is prohibited from using
17 medical assistants to refill infusion pumps with prescription pain medication. After the effective
18 date of this Decision, all patients being treated by the Respondent shall be notified that the
19 Respondent is prohibited from using medical assistants to refill infusion pumps with prescription
20 pain medication. Any new patients must be provided this notification at the time of their initial
21 appointment.

22 Respondent shall maintain a log of all patients to whom the required oral notification was
23 made. The log shall contain the: 1) patient's name, address and phone number; patient's medical
24 record number, if available; 3) the full name of the person making the notification; 4) the date the
25 notification was made; and 5) a description of the notification given. Respondent shall keep this
26 log in a separate file or ledger, in chronological order, shall make the log available for immediate
27 inspection and copying on the premises at all times during business hours by the Board or its
28 designee, and shall retain the log for the entire term of probation.

1 7. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
2 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
3 Chief Executive Officer at every hospital where privileges or membership are extended to
4 Respondent, at any other facility where Respondent engages in the practice of medicine,
5 including all physician and locum tenens registries or other similar agencies, and to the Chief
6 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
7 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
8 calendar days.

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

10 8. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is
11 prohibited from supervising physician assistants.

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

15 10. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
16 under penalty of perjury on forms provided by the Board, stating whether there has been
17 compliance with all the conditions of probation.

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

20 11. GENERAL PROBATION REQUIREMENTS.

21 Compliance with Probation Unit

22 Respondent shall comply with the Board's probation unit and all terms and conditions of
23 this Decision.

24 Address Changes

25 Respondent shall, at all times, keep the Board informed of Respondent's business and
26 residence addresses, email address (if available), and telephone number. Changes of such
27 addresses shall be immediately communicated in writing to the Board or its designee. Under no

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1 circumstances shall a post office box serve as an address of record, except as allowed by Business
2 and Professions Code section 2021(b).

3 Place of Practice

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

7 License Renewal

8 Respondent shall maintain a current and renewed California physician's and surgeon's
9 license.

10 Travel or Residence Outside California

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

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

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

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

1 jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall
2 not be considered as a period of non-practice.

3 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
4 months, Respondent shall successfully complete a clinical training program that meets the criteria
5 of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and
6 Disciplinary Guidelines" prior to resuming the practice of medicine.

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

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

9 Periods of non-practice will relieve Respondent of the responsibility to comply with the
10 probationary terms and conditions with the exception of this condition and the following terms
11 and conditions of probation: Obey All Laws; and General Probation Requirements.

12 14. 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 15. 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 16. 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 19. 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, Robert D. Blinder. 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 Medical Board of California.

16
17 DATED:

5/8/14

18 
JEREMY GOODWIN, M.D.
Respondent

19 I have read and fully discussed with Respondent Jeremy Goodwin, 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:

5/8/14

23 
Robert D. Blinder
Attorney for Respondent


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ENDORSEMENT

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

Dated: 5/8/14

KAMALA D. HARRIS
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General



MARA FAUST
Deputy Attorney General
Attorneys for Complainant

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31822950.docx

Exhibit A

Accusation No. 02-2011-217447

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2 GAIL M. HEPPELL
Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO April 13, 2013
BY ANALYST

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

12 In the Matter of the Accusation Against:

Case No. 02-2011-217447

13 **JEREMY GOODWIN, M.D.**
14 **P.O. Box 1676**
Mt. Shasta, CA 96067-1676
Physician's and Surgeon's Certificate
No. G 76323

A C C U S A T I O N

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity
20 as the Executive Director of the Medical Board of California, Department of Consumer Affairs.

21 2. On or about April 19, 1993, the Medical Board of California issued Physician's and
22 Surgeon's Certificate Number G 76323 to Jeremy Goodwin, M.D. (Respondent). The Physician's
23 and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
24 herein and will expire on February 28, 2015 unless renewed.

25 **JURISDICTION**

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

4. 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."

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

DRUGS

6. Fentanyl, an opiate, is the chemical name and is a Schedule II controlled substance within the meaning of Health and Safety Code Section 11055(c)(8), and is a dangerous drug as defined in section 4022 of the Code.

7. Valium, a trade name for diazepam, is a Schedule IV controlled substance as defined in Health and Safety Code Section 11057, subdivision (d)(9), and is a dangerous drug as defined in section 4022 of the Code.

1 8. Morphine Sulfate, an opiate, is the chemical and is a Schedule II controlled substance
2 within the meaning of Health and Safety Code Section 11055(b)(1)(L), and is a dangerous drug as
3 defined in section 4022 of the Code.

4 9. Ambien, a trade name for zolpidem tartrate, is a Schedule IV controlled substance as
5 defined in Health and Safety Code Section 11057, subdivision (d)(32), and is a dangerous drug as
6 defined in section 4022 of the Code.

7 FIRST CAUSE FOR DISCIPLINE

8 (Gross Negligence)

9 10. Respondent is subject to disciplinary action under section 2234(b) in that he was
10 grossly negligent in his treatment of patient B.L. The circumstances are as follows:

11 11. In or about June 20, 2002 through December 2, 2009 respondent was caring for a 65
12 year old female patient named, B.L.¹ More specifically respondent was managing patient B.L.'s
13 pain through the delivery of opioid (narcotic) pain medication by intrathecal infusion pump. The
14 intrathecal infusion consisted of a mixture of 8 mgs of fentanyl, with bupivacaine and clonidine
15 delivered over a 24-hour period, each day, when the pump was refilled by respondent's medical
16 assistant, once a month. Respondent also prescribed oral medication of Valium 10mg tid,
17 Morphine sulfate 100mg, to use 1-2 prn, and Ambien 15 mg at night. In addition to the 8 mg of
18 fentanyl through the pump infusion every 24 hours, patient B.L. would receive a bolus infusion of
19 the solution over a 45 minute period with 1.6 mg of fentanyl once a month when she visited the
20 respondent's office.

21 12. On December 1, 2009, respondent's medical assistant, L.W.,² gave patient B.L. a
22 bolus infusion of 8 mg of fentanyl, rather than 1.6 mg. of fentanyl, (a full days supply of opioid
23 narcotic delivered in 45 minutes), which was an error made in the programming of the pump. On
24 this day, respondent saw patient B.L. after she left the examination room and was on her way to
25 her automobile to go home. Patient B.L. became unusually sedated getting into her car, as a

26
27 ¹ The patient's initials are given to protect her privacy but her full identify will be
disclosed as part of discovery.

28 ² The employees initials are given to protect her privacy.

1 passenger, and needed help all the way home. B.L. could not be aroused when she arrived home
2 and had to be carried to her bed. The next day she was found dead in her bed. The coroner's
3 report found potential toxic levels of fentanyl and morphine blood concentrations in B.L.'s body.

4 13. Respondent's action of allowing his unlicensed medical assistants to routinely refill
5 and program the Medtronic SynchroMed Infusion pump resulted in the medical assistant
6 performing procedures beyond her scope and training with respect to patient B.L. and such
7 conduct constitutes an extreme departure from the standard of care in violation of section 2234(b)
8 of the Code.

9 SECOND CAUSE FOR DISCIPLINE

10 (Gross Negligence)

11 14. Complainant realleges paragraphs 11-13 above and incorporates them by reference
12 herein as though fully set forth.

13 15. Respondent is subject to disciplinary action under section 2234(b) in that he was
14 grossly negligent in his treatment of patient B.L. in that he failed to review the infusion pump
15 session data report from patient B.L.'s last pump refill constitutes an extreme departure from the
16 standard of care.

17 THIRD CAUSE FOR DISCIPLINE

18 (Repeated Acts of Negligence)

19 16. Complainant realleges paragraphs 11-13 and 15 above and incorporates them by
20 reference herein as though fully set forth.

21 17. Respondent is subject to disciplinary action under section 2234(c) in that
22 Respondent's action of allowing his unlicensed medical assistants to routinely refill and program
23 the Medtronic SynchroMed Infusion pump resulted in the medical assistant performing
24 procedures beyond her scope and training with respect to patient B.L. along with his failure to
25 review the infusion pump session data report from patient B.L.'s last pump refill constitutes
26 repeated negligent acts.

27 18. Respondent prescribed MS Contin to patient B.L. on November 16, 2009, but the
28 respondent failed to record the number of refills authorized. In B.L.'s medical record, respondent

1 or his staff stated that B.L. rarely used morphine, yet high levels of morphine were found in the
2 deceased patient's system. Respondent's failure to clearly document what oral medication he
3 prescribed and what medication he authorized refills on for patient B.L., particularly the
4 morphine sulfate constitutes a departure from the standard of care.

5 FOURTH CAUSE FOR DISCIPLINE

6 (Failure to Maintain Adequate and Accurate Medical Records)

7 19. Complainant realleges paragraphs 11-13, 15, 17-18 above and incorporates them by
8 reference herein as though fully set forth.

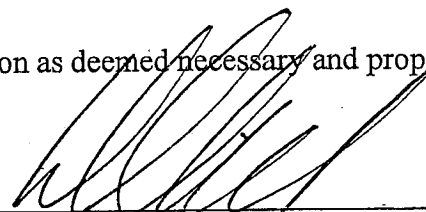
9 20. Respondent is subject to disciplinary action under section 2266 in that he failed to
10 record any authorized refills for the oral medication he prescribed to patient B.L., particularly the
11 Valium, Ambien, MS Contin, and morphine and such failure constitutes a violation of the Code.

12 PRAYER

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

- 15 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 76323,
16 issued to Jeremy Goodwin, M.D.;
- 17 2. Revoking, suspending or denying approval of Jeremy Goodwin, M.D.'s authority to
18 supervise physician's assistants, pursuant to section 3527 of the Code;
- 19 3. Ordering Jeremy Goodwin, M.D. to pay the Medical Board of California, if placed on
20 probation, the costs of probation monitoring;
- 21 4. Taking such other and further action as deemed necessary and proper.

22
23 DATED: April 3, 2013


24 LINDA K. WHITNEY
25 Executive Director
26 Medical Board of California
27 Department of Consumer Affairs
28 State of California
Complainant

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