

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

<b>In the Matter of the Accusation Against:</b>	)	
	)	
	)	
<b>CHARLES C. STREIT, M.D.</b>	)	<b>Case No. 11-2012-224390</b>
	)	
<b>Physician's and Surgeon's</b>	)	
<b>Certificate No. A 25530</b>	)	
	)	
<b>Respondent.</b>	)	
_____	)	

**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 November 26, 2014.

IT IS SO ORDERED October 31, 2014.

**MEDICAL BOARD OF CALIFORNIA**



By: \_\_\_\_\_  
Dev Gnanadev, M.D., Chair  
Panel B

1 KAMALA D. HARRIS  
Attorney General of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
4 State Bar No. 56332  
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*Attorneys for Complainant*

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

10  
11 In the Matter of the Accusation Against:  
12 CHARLES C. STREIT, M.D.  
13 Urological Medical Group of North Orange  
County  
14 301 West Bastanchury Road, Suite 180  
Fullerton, California 92835  
15  
16 Physician's and Surgeon's Certificate No. A  
25530

17  
18 Respondent.

Case No. 11-2012-224390

OAH No. 2014 040 506

**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 Executive Director of the Medical  
24 Board of California ("Board"). 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 Robert McKim Bell, Supervising Deputy Attorney General.

27 //

28 //

2. Respondent Charles C. Streit, M.D. ("Respondent") is represented in this proceeding by attorneys Dennis Ames and Zarah Maginot of LaFollette, Johnson, DeHaas, Fesler & Ames, whose address is 2677 North Main Street, Suite 901, Santa Ana, California 92705.

3. On or about August 22, 1973, the Board issued Physician's and Surgeon's Certificate number A 25530 to Respondent. That license has been in full force and effect at all times relevant to the charges brought in Accusation No. 11-2012-224390 and will expire on August 31, 2016, unless renewed.

## JURISDICTION

4. Accusation No. 11-2012-224390 is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on January 15, 2014. Respondent filed a timely Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 11-2012-224390 is attached as Exhibit A and is 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. 11-2012-224390. 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.

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

//

1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Accusation  
3 No. 11-2012-224390, a copy of which is attached hereto.

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

7 CONTINGENCY

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

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

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

24 **DISCIPLINARY ORDER**

25 **IT IS HEREBY ORDERED THAT** Physician's and Surgeon's Certificate No. A 25530  
26 issued to Respondent Charles C. Streit, M.D. (Respondent) is revoked. However, the revocation  
27 is stayed and Respondent is placed on probation for three (3) years on the following terms and  
28 conditions.

1           1.    WRONG-SITE SURGERY COURSE. Within 60 calendar days of the effective date  
2 of this Decision, Respondent shall enroll in the Wrong-Site Surgery course offered by the  
3 Physician Assessment and Clinical Education (“PACE”) Program at the University of California,  
4 San Diego School of Medicine (Program), approved in advance by the Board or its designee.  
5 Respondent shall provide the program with any information and documents that the Program may  
6 deem pertinent. Respondent shall participate in and successfully complete the classroom  
7 component of the course not later than six (6) months after Respondent’s initial enrollment.  
8 Respondent shall successfully complete any other component of the course within one (1) year of  
9 enrollment. The Wrong-Site Surgery course shall be at Respondent’s expense and shall be in  
10 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

11           Respondent shall submit a certification of successful completion to the Board or its  
12 designee not later than 15 calendar days after successfully completing the course, or not later than  
13 15 calendar days after the effective date of the Decision, whichever is later.

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

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

23           3.    SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is  
24 prohibited from supervising physician assistants.

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

28           //

1           5.    QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations  
2 under penalty of perjury on forms provided by the Board, stating whether there has been  
3 compliance with all the conditions of probation.

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

6           6.    GENERAL PROBATION REQUIREMENTS.

7           Compliance with Probation Unit

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

10          Address Changes

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

16          Place of Practice

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

20          License Renewal

21          Respondent shall maintain a current and renewed California physician's and surgeon's  
22 license.

23          Travel or Residence Outside California

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

27          In the event Respondent should leave the State of California to reside or to practice  
28 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of

1 departure and return.

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

5 8. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
6 its designee in writing within 15 calendar days of any periods of non-practice lasting more than  
7 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is  
8 defined as any period of time Respondent is not practicing medicine in California as defined in  
9 Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month  
10 in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All  
11 time spent in an intensive training program which has been approved by the Board or its designee  
12 shall not be considered non-practice. Practicing medicine in another state of the United States or  
13 Federal jurisdiction while on probation with the medical licensing authority of that state or  
14 jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall  
15 not be considered as a period of non-practice.

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

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

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

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

25 9. COMPLETION OF PROBATION. Respondent shall comply with all financial  
26 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the  
27 completion of probation. Upon successful completion of probation, Respondent's certificate shall  
28 be fully restored.

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

11. LICENSE SURRENDER. Following the effective date of this Decision, if Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request to surrender his or her license. The Board reserves the right to evaluate Respondent's request and to exercise its discretion in determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its designee and Respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

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

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney. 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.



1  
2 DATED:

Sept 05, 2014 Charles C. Streit

CHARLES C. STREIT, M.D.

Respondent

3  
4 I have read and fully discussed with Respondent Charles C. Streit, M.D. the terms and  
5 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
6 I approve its form and content.

7 DATED:

September 5, 2014

DENNIS AMES & ZARAH MAGINOT

Attorneys for Respondent

9  
10 ENDORSEMENT

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

13 Dated:

5 September 2014.

Respectfully submitted,

14  
15 KAMALA D. HARRIS  
Attorney General of California  
16 ROBERT MCKIM BELL  
Supervising Deputy Attorney General

17 Robert McKim Bell

18 ROBERT MCKIM BELL  
19 Supervising Deputy Attorney General  
20 Attorneys for Complainant

21  
22 LA2013610680  
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**Exhibit A**

**Accusation No. 11-2012-224390**

1 KAMALA D. HARRIS  
Attorney General of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 State Bar No. 56332  
California Department of Justice  
4 300 South Spring Street, Suite 1702  
Los Angeles, California 90013  
5 Telephone: (213) 897-2556  
Facsimile: (213) 897-9395  
6 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO *January 15, 2014*  
BY *[Signature]* ANALYST

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. 11-2012-224390

11 CHARLES C. STREIT, M.D.

12 301 West Bastanchury Road, Suite 180  
13 Fullerton, California 92835

ACCUSATION

14 Physician's and Surgeon's Certificate A 25530,  
15 Respondent.

16  
17 Complainant alleges:

18 PARTIES

19 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
20 capacity as the Interim Executive Director of the Medical Board of California ("Board").

21 2. On or about August 22, 1973, the Board issued Physician's and Surgeon's Certificate  
22 number A 25530 to Charles C. Streit, M.D. (Respondent). That license was in full force and  
23 effect at all times relevant to the charges brought herein and will expire on August 31, 2014,  
24 unless renewed.

25 JURISDICTION

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

1           4.     Section 2004 of the Code states:  
2           “ The Board shall have the responsibility for the following:  
3           “(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice  
4     Act.  
5           “(b) The administration and hearing of disciplinary actions.  
6           “(c) Carrying out disciplinary actions appropriate to findings made by a panel or an  
7     administrative law judge.  
8           “(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of  
9     disciplinary actions.  
10          “(e) Reviewing the quality of medical practice carried out by physician and surgeon  
11     certificate holders under the jurisdiction of the board.

12           “ . . . . ”

13           4.     Section 2234 of the Code, states:

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

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

19           "(b) Gross negligence.

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

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

25           "(2) When the standard of care requires a change in the diagnosis, act, or omission that  
26     constitutes the negligent act described in paragraph (1), including, but not limited to, a  
27     reevaluation of the diagnosis or a change in treatment. and the licensee's conduct departs from the  
28

1 applicable standard of care, each departure constitutes a separate and distinct breach of the  
2 standard of care.

3 "(d) Incompetence.

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

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

7 "(g) The practice of medicine from this state into another state or country without meeting  
8 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not  
9 apply to this subdivision. This subdivision shall become operative upon the implementation of  
10 the proposed registration program described in Section 2052.5.

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

#### 15 CAUSE FOR DISCIPLINE

16 *(Gross Negligence: Wrong Site Surgery Removes Patient's Healthy Right Kidney)*

17 5. Respondent is subject to disciplinary action under section 2234, subdivision (b) of the  
18 Code for gross negligence. The circumstances are as follows:

19 6. The Respondent is a board-certified urologist practicing in Southern California.

20 7. This case involves medical care provided by the Respondent to R.V., an adult male  
21 patient, between September 2011 and December 2012.<sup>1</sup>

22 8. At the time of initiating treatment, the patient was a 59-year-old male who on  
23 September 18, 2011 was transferred from the Terminal Island Correctional Facility where he was  
24 serving as a prisoner, to the Long Beach Memorial Medical Center. As part of his evaluation, he  
25 underwent a CAT scan that identified a mass on his left kidney which was evaluated by a  
26

27 <sup>1</sup> In this Accusation, the patient is referred to by his initials. The patient's full name will be disclosed to  
28 Respondent when discovery is provided pursuant to Government Code section 11507.6.

1 radiologist as highly suspicious for renal cell carcinoma. The following day, a repeat CT scan  
2 confirmed the finding of a left renal mass.

3 9. The patient was referred to the Respondent as a specialist in urology and was initially  
4 examined by him on December 8, 2011. The patient was then scheduled for surgery at St. Jude's  
5 Medical Center in Fullerton, California on February 7, 2012. On that date, Dr. Streit performed  
6 an operation (a nephrectomy) whose purpose was the surgical removal of the patient's cancerous  
7 left kidney; however, the right kidney was mistakenly removed instead.

8 10. The standard of medical practice is for the attending surgeon to preoperatively  
9 positively identify, validate and confirm the location and side of the patient's disease process  
10 upon which surgery is to be performed. This patient suffered a serious and unavoidable  
11 complication due to the fact that despite voluminous and unambiguous imaging data available,  
12 the patient's healthy kidney was removed instead of his diseased kidney. As the surgeon, it was  
13 Dr. Streit's sole obligation to carefully review the radiographic and other documentation so as to  
14 avoid this mistake.

15 11. Dr. Streit proceeded with surgery despite not having access to the patient's medical  
16 records on the date of surgery. Lacking the patient's chart, he had to rely solely on his personal  
17 recollection as to the location of the tumor.

18 12. The patient's wrong site surgery could have been prevented if standard operating  
19 room protocols had been followed by the surgeon by observing a standard and well-recognized  
20 pre-procedural verification process (referred to in the profession as a "Time-Out") in which the  
21 professionals concerned confirm the location of the surgical site based on the relevant labeled  
22 available documentation. Materials on hand at the time of surgery should include patient  
23 documentation, labeled radiology and diagnostic tests, images, scans and pathology reports. The  
24 surgery should not be started until all questions or concerns are resolved. In addition, the  
25 Respondent chose not to perform a preoperative renal ultrasound to confirm the location of the  
26 tumor.

27 13. These errors represent an extreme departure from the standard of care which resulted  
28 in the patient having his healthy kidney removed while simultaneously leaving his diseased

1 kidney in place, thereby requiring further surgery and putting the patient's future renal function in  
2 jeopardy.

3 PRAYER

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

6 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 25530.  
7 issued to Charles C. Streit, M.D..

8 2. Revoking, suspending or denying approval of his authority to supervise physician's  
9 assistants, pursuant to section 3527 of the Code;

10 3. If placed on probation, ordering him to pay the Medical Board of California the costs  
11 of probation monitoring;

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

13 DATED: January 15, 2014

14   
15 KIMBERLY KIRCHMEYER  
16 Interim Executive Director  
17 Medical Board of California  
18 Department of Consumer Affairs  
19 State of California

20 *Complainant*

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