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

In the Matter of the Accusation Against:)	
KRAIG LAMONT GOLDEN, M.D.)	Case No. 8002015017527
Physician's and Surgeon's)	
Certificate No. A 60099)	
)	
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 May 26, 2017.

IT IS SO ORDERED April 28, 2017.

MEDICAL BOARD OF CALIFORNIA

Jamie Wright, J.D., Chai

Panel A

1	XAVIER BECERRA		
2	Attorney General of California ROBERT MCKIM BELL		
3	Supervising Deputy Attorney General TRINA L. SAUNDERS		
4	Deputy Attorney General State Bar No. 207764		
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013		
6	Telephone: (213) 620-2193 Facsimile: (213) 897-9395		
7	Attorneys for Complainant		
8	BEFORE THE MEDICAL BOARD OF CALIFORNIA		
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
10			
11	In the Matter of the Accusation Against:	Case No. 800-2015-017527	
12	KRAIG GOLDEN, M.D.	OAH No. 2016110353	
13	1421 S O'MALLEY LANE	STIPULATED SETTLEMENT AND	
14	LA HABRA , CA 90631	DISCIPLINARY ORDER	
15	Physician's and Surgeon's Certificate No. A 60099,		
16	Respondent.		
17			
18	IT IS HEREBY STIPULATED AND AGRE	ED by and between the parties to the above-	
19	entitled proceedings that the following matters are true:		
20	<u>PARTIES</u>		
21	1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board		
22	of California (Board). She brought this action solely in her official capacity and is represented in		
23	this matter by Xavier Becerra, Attorney General of the State of California, by Trina L. Saunders,		
24	Deputy Attorney General.		
25	2. Respondent Kraig Golden (Respondent) is represented in this proceeding by attorney		
26	Peter R. Osinoff, of Bonne, Bridges, Mueller, O'Keefe & Nichols, 355 South Grand Avenue,		
27	Suite 1750 Los Angeles, California 90071-1562		
28			
	1		

3. On or about May 9, 1996, the Board issued Physician's and Surgeon's Certificate No. A 60099 to Kraig Golden, M.D. (Respondent). That license was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2015-017527, and will expire on October 31, 2017, unless renewed.

JURISDICTION

- 4. Accusation No. 800-2015-017527 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 September 23, 2016. Respondent timely filed a Notice of Defense contesting the Accusation.
- 5. A copy of Accusation No. 800-2015-017527 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. 800-2015-017527. 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 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.

CULPABILITY

9. Respondent admits to violation of Business and Professions Code sections 726, 2234(b), and 2234(c), in that he engaged in unprofessional conduct as alleged in Accusation No. 800-2015-017527.

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.

<u>CONTINGENCY</u>

- 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.
- 12. 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.
- 13. 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. A 60099 issued to Respondent Kraig Golden, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1. <u>PROFESSIONALISM PROGRAM (ETHICS COURSE)</u>. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism program, that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.

Respondent shall participate in and successfully complete that program. Respondent shall

provide any information and documents that the program may deem pertinent. Respondent shall successfully complete the classroom component of the program not later than six (6) months after Respondent's initial enrollment, and the longitudinal component of the program not later than the time specified by the program, but no later than one (1) year after attending the classroom component. The professionalism program shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A professionalism program 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 program would have been approved by the Board or its designee had the program 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 program or not later than 15 calendar days after the effective date of the Decision, whichever is later.

2. PROFESSIONAL BOUNDARIES PROGRAM. Within 60 calendar days from the effective date of this Decision, Respondent shall enroll in a professional boundaries program approved in advance by the Board or its designee. Respondent, at the program's discretion, shall undergo and complete the program's assessment of Respondent's competency, mental health and/or neuropsychological performance, and at minimum, a 24 hour program of interactive education and training in the area of boundaries, which takes into account data obtained from the assessment and from the Decision(s), Accusation(s) and any other information that the Board or its designee deems relevant. The program shall evaluate Respondent at the end of the training and the program shall provide any data from the assessment and training as well as the results of the evaluation to the Board or its designee.

Failure to complete the entire program not later than six (6) months after Respondent's initial enrollment shall constitute a violation of probation unless the Board or its designee agrees in writing to a later time for completion. Based on Respondent's performance in and evaluations from the assessment, education, and training, the program shall advise the Board or its designee

of its recommendation(s) for additional education, training, psychotherapy and other measures necessary to ensure that Respondent can practice medicine safely. Respondent shall comply with program recommendations. At the completion of the program, Respondent shall submit to a final evaluation. The Program shall provide the results of the evaluation to the Board or its designee. The professional boundaries program shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

The program has the authority to determine whether or not Respondent successfully completed the program.

A professional boundaries 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.

If Respondent fails to complete the program within the designated time period, Respondent shall cease the practice of medicine within three (3) calendar days after being notified by the Board or its designee that Respondent failed to complete the program.

3. THIRD PARTY CHAPERONE. During probation, Respondent shall have a third party chaperone present while consulting, examining or treating female patients. Respondent shall, within 30 calendar days of the effective date of the Decision, submit to the Board or its designee for prior approval name(s) of persons who will act as the third party chaperone.

If Respondent fails to obtain approval of a third party chaperone within 30 calendar days of the effective date of this Decision, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. Respondent shall cease the practice of medicine until a chaperone is approved to provide monitoring responsibility.

Each third party chaperone shall sign (in ink or electronically) and date each patient medical record at the time the chaperone's services are provided. Each third party chaperone shall read the Decision and the Accusation, and fully understand the role of the third party chaperone.

Respondent shall maintain a log of all patients seen for whom a third party chaperone is required. The log shall contain the: 1) patient initials, address and telephone number; 2) medical record number; and 3) date of service. Respondent shall keep this log in a separate file or ledger, in chronological order, shall make the log available for immediate inspection and copying on the premises at all times during business hours by the Board or its designee, and shall retain the log for the entire term of probation.

Respondent is prohibited from terminating employment of a Board-approved third party chaperone solely because that person provided information as required to the Board or its designee.

If the third party chaperone resigns or is no longer available, Respondent shall, within 5 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior approval, the name of the person(s) who will act as the third party chaperone. If Respondent fails to obtain approval of a replacement chaperone within 60 calendar days of the resignation or unavailability of the chaperone, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. Respondent shall cease the practice of medicine until a replacement chaperone is approved and assumes monitoring responsibility.

STANDARD CONDITIONS

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

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

5. SUPERVISION OF PHYSICIAN ASSISTANTS and ADVANCED PRACTICE

areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) calendar days.

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

- 9. <u>INTERVIEW WITH THE BOARD OR ITS DESIGNEE</u>. Respondent shall be available in person upon request for interviews either at Respondent's place of business or at the probation unit office, with or without prior notice throughout the term of probation.
- 10. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is defined as any period of time Respondent is not practicing medicine as defined in Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board. If Respondent resides in California and is considered to be in non-practice, Respondent shall comply with all terms and conditions of probation. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice and does not relieve Respondent from complying with all the terms and conditions of probation. Practicing medicine in another state of the United States or Federal jurisdiction while on probation with the medical licensing authority of that state or jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-practice.

In the event Respondent's period of non-practice while on probation exceeds 18 calendar months, Respondent shall successfully complete the Federation of State Medical Board's Special Purpose Examination, or at the Board's discretion, a clinical competence assessment program that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

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

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

Periods of non-practice for a Respondent residing outside of California, will relieve Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or Controlled Substances; and Biological Fluid Testing.

- 11. <u>COMPLETION OF PROBATION</u>. Respondent shall comply with all financial obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, Respondent's certificate shall be fully restored.
- 12. <u>VIOLATION OF PROBATION</u>. 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.
- 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.
 - 14. 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, Peter R. Osinoff. 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. I have read and fully discussed with Respondent Kraig Golden, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content. Attorney for Respondent

ENDORSEMENT The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California. Dated: March 24, 2017 Respectfully submitted, XAVIER BECERRA Attorney General of California ROBERT MCKIM BELL Supervising Deputy Attorney General Trina L. Saunders Deputy Attorney General Attorneys for Complainant LA2016502314 62337413.docx

Exhibit A

Accusation No. 800-2015-017527

1	KAMALA D. HARRIS		
2	Attorney General of California ROBERT MCKIM BELL Supervising Deputs Attacked C	FILED	
3	Supervising Deputy Attorney General TRINA L. SAUNDERS Deputy Attorney General	STATE OF CALIFORNIA MEDICAL BOARD OF CALIFORNIA	
4	State Bar No. 207764 300 South Spring Street, Suite 1702	SACRAMENTOLLEGE 22 20 16	
5	Los Angeles, California 90013 Telephone: (213) 620-2193	BY ANALYST	
6	Facsimile: (213) 897-9395 Attorneys for Complainant		
7	_	TUE	
8	BEFORE THE MEDICAL BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS		
9	STATE OF CALIFORNIA		
10	In the Matter of the Accusation Against:	Case No. 800-2015-017527	
11		A C C U S A T I O N	
12	1421 S O'MALLEY LANE LA HABRA, CA 90631	ACCUSATION	
13	Physician's and Surgeon's Certificate		
14	No. A 60099,		
15	Respondent.		
16			
17			
18 19	Complainant alleges:		
	<u>PARTIES</u>		
20	1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official		
21	capacity as the Executive Director of the Medical Board of California, Department of Consumer		
22	Affairs (Board).		
23	2. On or about May 9, 1996, the Medical Board issued Physician's and Surgeon's		
24	Certificate Number A 60099 to Kraig Golden, M.D. (Respondent). The Physician's and Surgeon's		
25	Certificate was in full force and effect at all times relevant to the charges brought herein and will		
26	expire on October 31, 2017, unless renewed.		
27			
28			
	1		

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 states:
- "(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:
 - "(1) Have his or her license revoked upon order of the board.
- "(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.
- "(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.
- "(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.
- "(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.
- "(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1."
 - 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 726 of the Code states:

"The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person

licensed under this division, under any initiative act referred to in this division and under Chapter 17 (commencing with Section 9000) of Division 3.

"This section shall not apply to sexual contact between a physician and surgeon and his or her spouse or person in an equivalent domestic relationship when that physician and surgeon provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person in an equivalent domestic relationship."

FIRST CAUSE FOR DISCIPLINE

(Sexual Misconduct)

- 7. Respondent is subject to disciplinary action under section 726 in that he had an inappropriate romantic and sexual relationship with a patient. The circumstances are as follows:
- 8. Respondent was patient B.K.'s primary care physician from approximately January 2009 to October 2015. Respondent treated her for hypertension, moderate to severe conductive hearing loss, obesity, and pre-diabetes.
- 9. In or around October of 2014, Respondent and patient B.K. began exchanging friendly hugs when they would greet one another at the patient's medical appointments.
 - 10. On March 6, 2015, Respondent evaluated patient B.K. for a urinary tract infection.
- 11. On March 19, 2015, patient B.K. reported to Respondent with complaints of stress, difficulty sleeping and hypertension.
- 12. On April 24, 2015, patient B.K. reported to Respondent with similar issues to those on her March 19th, visit. During the appointment, Respondent told patient B.K. that he had a crush on her and provided her with his business card and cell phone number. They spoke later that day and made arrangements to meet for lunch. Soon after they began to meet for lunch approximately once per week. Patient B.K. would bring the food and during their lunch meetings the two exchanged hugs and kisses.
- 13. Between April and July of 2015, on at least two occasions, Respondent and patient B.K., met at a motel and engaged in sexual intercourse.
- 14. Patient B.K.'s husband learned of the relationship between Respondent and his wife and he confronted his wife. Thereafter, patient B.K. ended the relationship with Respondent.

1 **PRAYER** WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, 2 and that following the hearing, the Medical Board of California issue a decision: 3 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 60099, 4 issued to Kraig Golden, M.D.; 5 Revoking, suspending or denying approval of Kraig Golden, M.D.'s authority to 2. 6 supervise physician assistants, pursuant to section 3527 of the Code; 7 Ordering Kraig Golden, M.D., if placed on probation, to pay the Board the costs of 3. 8 9 probation monitoring; and 4. Taking such other and further action as deemed necessary and proper. 10 11 12 DATED: September 22, 2016 13 Executive Director Medical Board of California 14 Department of Consumer Affairs State of California 15 Complainant 16 LA2016502314 17 62065874.doc 18 19 20 21 22 23 24 25 26 27 28