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

In the Matter of the Accusation Against: )  
)  
)  
DEAN G. FREEDLANDER, M.D. )  
)  
Physician's and Surgeon's )  
Certificate No. G 35487 )  
)  
Respondent. )  
\_\_\_\_\_ )

File No. 03-2001-117564

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on July 2, 2003.

IT IS SO ORDERED June 2, 2003.

MEDICAL BOARD OF CALIFORNIA

By: *Lorie Rice*  
Lorie G. Rice, Chair  
Panel A  
Division of Medical Quality

1 BILL LOCKYER, Attorney General  
of the State of California  
2 LAWRENCE A. MERCER, State Bar No. 111898  
Deputy Attorney General  
3 California Department of Justice  
455 Golden Gate Avenue, Suite 11000  
4 San Francisco, CA 94102-7004  
Telephone: (415) 703-5539  
5 Facsimile: (415) 703-5480  
6 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 03-2001-117564

13 **Dean G. Freedlander, M.D.**  
14 17705 Hale Avenue, H-3  
Morgan Hill, CA 95037

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 Physician's and Surgeon's Certificate no. G-35487

Respondent.

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

18 PARTIES

19 1. Ron Joseph (Complainant) is the Executive Director of the Medical Board  
20 of California. He brought this action solely in his official capacity and is represented in this  
21 matter by Bill Lockyer, Attorney General of the State of California, by Lawrence A. Mercer,  
22 Deputy Attorney General.

23 2. Respondent Dean G. Freedlander, M.D. (Respondent) is represented in  
24 this proceeding by attorney Kenneth Freeman, Esq., whose address is 711 Van Ness Avenue,  
25 Suite 240, San Francisco, CA 94102.

26 3. On or about September 12, 1977, the Medical Board of California issued  
27 Physician's and Surgeon's Certificate Number G-35487 to Dean Gary Freedlander, M.D.  
28 (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times

1 relevant to the charges brought herein and will expire on August 31, 2003, unless renewed. On  
2 January 27, 2003, the Superior Court in and for the County of Santa Clara issued an order  
3 requiring respondent to close his private office practice and to practice only in facilities that have  
4 structured rules and regulations.

#### 5 JURISDICTION

6 4. Accusation No. 03-2001-117564 was filed before the Division of Medical  
7 Quality (Division) for the Medical Board of California, Department of Consumer Affairs, and is  
8 currently pending against Respondent. The Accusation and all other statutorily required  
9 documents were properly served on Respondent on January 10, 2003. Respondent timely filed  
10 his Notice of Defense contesting the Accusation. A copy of Accusation No. 03-2001-117564 is  
11 attached as exhibit A and incorporated herein by reference.

#### 12 ADVISEMENT AND WAIVERS

13 5. Respondent has carefully read, fully discussed with counsel, and  
14 understands the charges and allegations in Accusation No. 03-2001-117564. Respondent has  
15 also carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
16 Settlement and Disciplinary Order.

17 6. Respondent is fully aware of his legal rights in this matter, including the  
18 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
19 counsel at his own expense; the right to confront and cross-examine the witnesses against him;  
20 the right to present evidence and to testify on his own behalf; the right to the issuance of  
21 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
22 reconsideration and court-review of an adverse decision; and all other rights accorded by the  
23 California Administrative Procedure Act and other applicable laws.

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

#### 26 CULPABILITY

27 8. Respondent admits that on November 22, 2002, he entered a plea of guilty  
28 to violation of Penal Code section 273a(b), to wit: misdemeanor child endangerment.



1 stayed and Respondent is placed on probation for five (5) years on the following terms and  
2 conditions.

3           Within 15 days after the effective date of this decision the respondent shall  
4 provide the Division, or its designee, proof of service that respondent has served a true copy of  
5 this decision on the Chief of Staff or the Chief Executive Officer at every hospital where  
6 privileges or membership are extended to respondent or at any other facility where respondent  
7 engages in the practice of medicine and on the Chief Executive Officer at every insurance carrier  
8 where malpractice insurance coverage is extended to respondent.

9           1.     PSYCHIATRIC EVALUATION/TREATMENT Within thirty (30) days  
10 of the effective date of this decision, and on a periodic basis thereafter as may be required by the  
11 Division or its designee, respondent shall undergo a psychiatric evaluation (and psychological  
12 testing, if deemed necessary) by a Division-appointed psychiatrist, who shall furnish an  
13 evaluation report to the Division or its designee. The respondent shall pay the cost of the  
14 psychiatric evaluation.

15           Respondent shall also within thirty (30) days of the effective date of this decision  
16 submit to the Division for its prior approval the name and qualifications of a psychiatrist of  
17 respondent's choice. Respondent shall undergo and continue psychiatric treatment for at least  
18 one year and continuing thereafter upon recommendation by the psychiatrist, after consultation  
19 with the Division, until respondent is released from treatment. Respondent shall have the  
20 treating psychiatrist submit quarterly status reports to the Division or its designee indicating  
21 whether the respondent is capable of practicing medicine safely.

22           If the evaluation or the treating psychiatrist's report determines that respondent is  
23 not mentally fit to practice medicine safely, then respondent shall be suspended from the practice  
24 of medicine until a repeat evaluation establishes that he can practice safely, as evidenced by  
25 written notice to respondent from the Division or its designee.

26           2.     PHYSICIAN ASSESSMENT AND CLINICAL EDUCATION  
27 PROGRAM Within 90 days from the effective date of this decision, respondent, at his expense,  
28 shall enroll in The Physician Assessment and Clinical Education Program at the University of

1 California, San Diego School of Medicine (hereinafter the "PACE Program"). Respondent shall  
2 take and successfully complete the PACE training programs in Professional Boundaries and  
3 Physician-Patient Communication Skills. Respondent shall complete the PACE training  
4 programs no later than six months after his initial enrollment unless the Division or its designee  
5 agrees in writing to a later time for completion.

6 If respondent successfully completes the PACE training programs, he agrees to  
7 cause the PACE Program representative to forward a Certification of Successful Completion of  
8 the program to the Division or its designee.

9 Failure to complete the PACE training programs, as outlined above, shall  
10 constitute a violation of probation.

11 3. MONITORING Within thirty (30) days of the effective date of this  
12 decision, respondent shall submit to the Division or its designee for its approval a plan of  
13 practice in which respondent's practice shall be monitored by another physician(s) in  
14 respondent's field of practice, who shall provide periodic reports to the Division or its designee.  
15 There shall be a practice monitor at each practice setting where respondent works pursuant to  
16 condition 4 below, who shall review respondent's cases for quality of care, as well as ethical and  
17 boundary violations and shall report any departures from the standard of care to the Board. Each  
18 practice monitor shall sign a Certificate of Non-Relationship that s/he has no involvement or  
19 relationship with respondent which would preclude them from honestly monitoring respondent's  
20 practice as set forth herein. Each practice monitor is expressly authorized to review patient  
21 records to the extent necessary to provide monitoring services required by the Board under this  
22 condition of probation. In the event that a patient release for medical information is required in  
23 order to release a patient's medical information to the monitor and/or to the Board, it shall be  
24 respondent's obligation to obtain and provide such a release.

25 If the monitor(s) resigns or is no longer available, respondent shall, within fifteen (15)  
26 days, move to have a new monitor appointed, through nomination by respondent and approval by  
27 the Division or its designee.

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1           4.     RESTRICTED PRACTICE Respondent shall not maintain a private  
2 psychiatric office practice during this probation. During probation he shall only practice in  
3 hospitals, clinics, residential treatment facilities and other institutions with rules and guidelines.  
4 Respondent shall treat female patients in areas where he is subject to visual observation by a  
5 third party. Respondent shall provide a copy of this stipulation and order at each facility where  
6 he is employed during probation and there shall be a site monitor responsible for reporting to the  
7 Board regarding the arrangements for third party observation and respondent's compliance.

8           5.     ETHICS COURSE Within sixty (60) days of the effective date of this  
9 decision, respondent shall enroll in a course in Ethics approved in advance by the Division or its  
10 designee, and shall successfully complete the course during the first year of probation.

11           6.     PROBATION SURVEILLANCE PROGRAM COMPLIANCE  
12 Respondent shall comply with the Division's probation surveillance program. Respondent shall,  
13 at all times, keep the Division informed of his business and residence addresses which shall both  
14 serve as addresses of record. Changes of such addresses shall be immediately communicated in  
15 writing to the Division. Under no circumstances shall a post office box serve as an address of  
16 record, except as allowed by Business and Professions Code section 2021(b).

17                     Respondent shall, at all times, maintain a current and renewed physician's and  
18 surgeon's license.

19                     Respondent shall also immediately inform the Division, in writing, of any travel  
20 to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more  
21 than thirty (30) days.

22           7.     INTERVIEW WITH THE DIVISION, ITS DESIGNEE OR ITS  
23 DESIGNATED PHYSICIAN(S) Respondent shall appear in person for interviews with the  
24 Division, its designee or its designated physician(s) upon request at various intervals and with  
25 reasonable notice.

26           8.     TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR IN-  
27 STATE NON-PRACTICE In the event respondent should leave California to reside or to  
28 practice outside the State or for any reason should respondent stop practicing medicine in

1 California, respondent shall notify the Division or its designee in writing within ten (10) days of  
2 the dates of departure and return or the dates of non-practice within California. Non-practice is  
3 defined as any period of time exceeding thirty (30) days in which respondent is not engaging in  
4 any activities defined in Sections 2051 and 2052 of the Business and Professions Code. All time  
5 spent in an intensive training program approved by the Division or its designee shall be  
6 considered as time spent in the practice of medicine. A Board-ordered suspension of practice  
7 shall not be considered as a period of non-practice. Periods of temporary or permanent residence  
8 or practice outside California or of non-practice within California, as defined in this condition,  
9 will not apply to the reduction of the probationary order.

10           9.     COMPLETION OF PROBATION Upon successful completion of  
11 probation, respondent's certificate shall be fully restored.

12           10.    VIOLATION OF PROBATION If respondent violates probation in any  
13 respect, the Division, after giving respondent notice and the opportunity to be heard, may revoke  
14 probation and carry out the disciplinary order that was stayed. If an accusation or petition to  
15 revoke probation is filed against respondent during probation, the Division shall have continuing  
16 jurisdiction until the matter is final, and the period of probation shall be extended until the matter  
17 is final.

18           11.    COST RECOVERY The respondent is hereby ordered to reimburse the  
19 Division the amount of \$10,000.00 as payment due for cost of investigation and prosecution. He  
20 shall pay the sum of \$4,000.00 within one year of the effective date of this decision and  
21 \$2,000.00 per year for three years thereafter. Failure to reimburse the Division's cost of  
22 investigation and prosecution shall constitute a violation of the probation order. The filing of  
23 bankruptcy by the respondent shall not relieve the respondent of his responsibility to reimburse  
24 the Division for its investigative and prosecution costs.

25           12.    PROBATION COSTS Respondent shall pay the costs associated with  
26 probation monitoring each and every year of probation, as designated by the Division, which are  
27 currently set at \$2,874.00, but may be adjusted on an annual basis. Such costs shall be payable to  
28 the Division of Medical Quality and delivered to the designated probation surveillance monitor

1 no later than January 31 of each calendar year. Failure to pay costs within 30 days of the due  
2 date shall constitute a violation of probation.

3 13. LICENSE SURRENDER Following the effective date of this decision, if  
4 respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy  
5 the terms and conditions of probation, respondent may voluntarily tender his certificate to the  
6 Board. The Division reserves the right to evaluate the respondent's request and to exercise its  
7 discretion whether to grant the request, or to take any other action deemed appropriate and  
8 reasonable under the circumstances. Upon formal acceptance of the tendered license, respondent  
9 will no longer be subject to the terms and conditions of probation.

10 ACCEPTANCE

11 I have carefully read the above Stipulated Settlement and Disciplinary Order and  
12 have fully discussed it with my attorney, Kenneth Freeman, Esq.. I understand the stipulation  
13 and the effect it will have on my license to practice medicine. I enter into this Stipulated  
14 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
15 bound by the Decision and Order of the Division of Medical Quality, Medical Board of  
16 California.


17 DATED: 4/30/03

18 

19  
20 DEAN G. FREEDLANDER, M.D.  
Respondent

21  
22 I have read and fully discussed with Respondent DEAN G. FREEDLANDER,  
23 M.D., the terms and conditions and other matters contained in the above Stipulated Settlement  
24 and Disciplinary Order and approve its form and content.

25 DATED: April 30, 2003.

26 

27  
28 KENNETH FREEMAN, ESQ.  
Attorney for Respondent

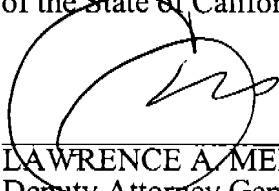
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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Division of Medical Quality, Medical Board of California of the Department of Consumer Affairs.

DATED: April 29, 2003

BILL LOCKYER, Attorney General  
of the State of California



\_\_\_\_\_  
LAWRENCE A. MERCER  
Deputy Attorney General

Attorneys for Complainant

DOJ Docket Number: 03573160-sf2001ap0065

**Exhibit A**

**Accusation No. 03-2001-117564**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 LAWRENCE A. MERCER, State Bar No. 111898  
Deputy Attorney General  
3 California Department of Justice  
455 Golden Gate Avenue, Suite 11000  
4 San Francisco, CA 94102-7004  
Telephone: (415) 703-5539  
5 Facsimile: (415) 703-5480  
6 Attorneys for Complainant

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO January 10, 20 03  
BY Valerie Moore ANALYST

7  
8 **BEFORE THE**  
9 **DIVISION OF MEDICAL QUALITY**  
10 **MEDICAL BOARD OF CALIFORNIA**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:  
12 DEAN G. FREEDLANDER, M.D.  
13 17705 Hale Avenue, H-3  
Morgan Hill, CA 95037  
14 Physician's and Surgeon's Certificate G 35487  
15 Respondent.

Case No. 03 2001 117564

**ACCUSATION**

16 Complainant alleges:

PARTIES

- 17  
18 1. Ron Joseph (Complainant) brings this Accusation solely in his official  
19 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
20 Affairs.  
21 2. On or about September 12, 1977, the Medical Board of California issued  
22 Physician's and Surgeon's Certificate Number G-35487 to Dean Gary Freedlander, M.D.  
23 (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times  
24 relevant to the charges brought herein and will expire on August 31, 2003, unless renewed.

JURISDICTION

- 25  
26 3. This Accusation is brought before the Division of Medical Quality  
27 (Division) for the Medical Board of California, Department of Consumer Affairs under the  
28

1 authority of the below mentioned statutes and regulations.<sup>1</sup>

2 4. Section 2004 of the Code states:

3 "The Division of Medical Quality shall have the responsibility for the following:

4 "(a) The enforcement of the disciplinary and criminal provisions of the Medical  
5 Practice Act.

6 "(b) The administration and hearing of disciplinary actions.

7 "(c) Carrying out disciplinary actions appropriate to findings made by a medical  
8 quality review committee, the division, or an administrative law judge.

9 "(d) Suspending, revoking, or otherwise limiting certificates after the conclusion  
10 of disciplinary actions.

11 "(e) Reviewing the quality of medical practice carried out by physician and  
12 surgeon certificate holders under the jurisdiction of the board."

13 5. Section 2227 of the Code states:

14 "(a) A licensee whose matter has been heard by an administrative law judge of the  
15 Medical Quality Hearing Panel as designated in Section 11371 of the Government Code,  
16 or whose default has been entered, and who is found guilty may, in accordance with the  
17 provisions of this chapter:

18 "(1) Have his or her license revoked upon order of the division.

19 "(2) Have his or her right to practice suspended for a period not to exceed one  
20 year upon order of the division.

21 "(3) Be placed on probation and be required to pay the costs of probation  
22 monitoring upon order of the division.

23 "(4) Be publicly reprimanded by the division.

24 "(5) Have any other action taken in relation to discipline as the division or an  
25 administrative law judge may deem proper.

26

27

28 1. All statutory references are to the Business and Professions Code (Code) unless  
otherwise indicated.

1           (b) Any matter heard pursuant to subdivision (a), except for warning letters,  
2 medical review or advisory conferences, or other matters made confidential or privileged  
3 by existing law, is deemed public, and shall be made available to the public by the  
4 board."

5           6.       Section 2234 of the Code states:

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

9           (a) Violating or attempting to violate, directly or indirectly, or assisting in or  
10 abetting the violation of, or conspiring to violate, any provision of this chapter [Chapter  
11 5, the Medical Practice Act].

12           (b) Gross negligence.

13           (c) Repeated negligent acts.

14           (d) Incompetence.

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

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

19           8.       Section 2236 of the Code provides, in pertinent part:

20           (a) The conviction of any offense substantially related to the qualifications,  
21 functions, or duties of a physician and surgeon constitutes unprofessional conduct within  
22 the meaning of this chapter. The record of conviction shall be conclusive evidence only  
23 of the fact that the conviction occurred.

24           . . . (d) A plea of guilty or a conviction after a plea of nolo contendere is deemed  
25 to be a conviction within the meaning of this section and Section 2236.1. The record of  
26 conviction shall be conclusive evidence of the fact that the conviction occurred."

27           9.       Penal Code section 273a(b) provides:

28           "Any person who, under circumstances or conditions other than those likely to

1 produce great bodily harm or death, wilfully causes or permits any child to suffer, or  
2 inflicts thereon unjustifiable physical pain or mental suffering, or having the care or  
3 custody of any child, wilfully causes or permits the person or health of the child to be  
4 injured or wilfully causes or permits that child to be placed in a situation where his or her  
5 person or health may be endangered, is guilty of a misdemeanor."

6 CAUSE FOR DISCIPLINE

7 (Conviction of Crime/Acts Involving Dishonesty or Corruption)

8 10. Respondent is subject to disciplinary action under Section 2236 and/or  
9 2234(e) in that respondent entered a plea of guilty to criminal charges of child endangerment.

10 The circumstances are as follows:

11 A. At all relevant times, respondent Dean Freedlander was a licensed  
12 physician and surgeon with a specialization in child psychiatry in Santa Clara  
13 County, California.

14 B. In or about May, 1998, S.L.<sup>2</sup>, a 15 year old female, came under  
15 respondent's care for counseling and medication for treatment of depression.

16 C. On June 21, 2000, S.L. reported to Morgan Hill Police that she  
17 had approximately 50 therapy sessions until her parents refused to let her return  
18 by reason of respondent's behavior. She told the police that during therapy  
19 sessions with respondent he would hug her and inappropriately touch her by  
20 rubbing her bare knee. S.L. reported that on several occasions respondent sat  
21 close to her and rubbed her thigh under her clothing from her knee to a point  
22 adjacent to her underpants. S.L. stated that on these occasions, respondent would  
23 ask her if she liked the way it felt. S.L. told the Morgan Hill Police that, on two  
24 occasions, respondent had her sit on his lap during therapy sessions. On another  
25 occasion, respondent commented on how nice her panties were and how he liked

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<sup>2</sup> 2. The names of patients are withheld to protect privacy. Full information regarding the patient will be provided in discovery.



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3. Ordering Dean Gary Freedlander, M.D. to pay the Division of Medical Quality the reasonable costs of the investigation and enforcement of this case, and, if placed on probation, the costs of probation monitoring;

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

DATED: January 10, 2003



RON JOSEPH  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
Complainant

03573160-sf2001ap0065