

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

In the Matter of the Accusation)
Against:)

RAYMOND DEAN JENNINGS, M.D.)

File No: 12-1998-89285

Physician's and Surgeon's)
Certificate #A-20599)

Respondent.)
_____)

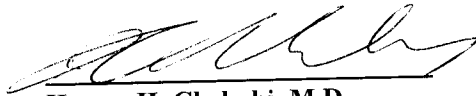
DECISION AND ORDER

The attached Stipulation, Waiver and Order Thereon is hereby accepted and adopted as the Decision and Order by 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 March 11, 2002.

IT IS SO ORDERED February 8, 2002

MEDICAL BOARD OF CALIFORNIA



**Hazem H. Chehabi, M.D.
President
Division of Medical Quality**

1 BILL LOCKYER, Attorney General
of the State of California
2 VIVIEN HARA HERSH
Supervising Deputy Attorney General
3 ALFREDO TERRAZAS, State Bar No. 78403
Deputy Attorney General
4 California Department of Justice
1515 Clay Street, 20th Floor
5 Oakland, California 94610
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6 Facsimile: (510) 622-2121

7 Attorneys for Complainant

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

12
13 In the Matter of the Accusation Against:

14 **RAYMOND DEAN JENNINGS, M.D.**
Post Office Box 400
15 Deer Park, CA 94576

16 Physician and Surgeon
Certificate No. A 20599,

17 Respondent.
18 _____

) Case No. 12 98 089285

) OAH No. N 2000 080539

) **STIPULATION, WAIVER AND**
ORDER THEREON

19
20 IT IS HEREBY STIPULATED by and between Raymond Dean Jennings,
21 M.D., the respondent in this matter, with the advice of his attorneys, ALLEN, MATKINS,
22 LOCK, GAMBLE & MALLORY, LLP, Robert R. Moore, Esq., and Ronald Joseph, as
23 Executive Director of the Medical Board of California, Department of Consumer Affairs, by and
24 through his attorney, Alfredo Terrazas, Deputy Attorney General, that the following matters are
25 true:

26 1. Accusation No. 12 98 089285 is presently pending against Raymond Dean
27 Jennings, M.D., (hereinafter referred to as the "respondent"), physician's and surgeon's certificate
28 number A 20599, before the Medical Board of California (hereinafter referred to as the "Board")

1 and said Accusation having been filed on February 25, 2000.

2 2. The complainant in said Accusation, Ronald Joseph, is the Executive Director of
3 the Board and brought said Accusations in his official capacity only.

4 3. Respondent has fully discussed with Robert R. Moore, the charges contained in
5 the above-mentioned Accusation, and in that connection, respondent has been fully advised
6 regarding his rights in this matter.

7 4. That respondent hereby freely and voluntarily waives his right to a hearing on the
8 charges and allegations contained in the above-mentioned Accusation in order to enter into this
9 Stipulation and Waiver and that he further agrees to waive his right to reconsideration, judicial
10 review, and any and all rights which may be accorded him by the Administrative Procedure Act
11 and the laws of the State of California, except his right to petition for termination or modification
12 of probation pursuant to Government Code section 11522.

13 5. All admissions of fact and conclusions of law contained in this Stipulation and
14 Waiver are made exclusively for this proceeding and any future proceedings between the Board
15 and the respondent and shall not be deemed to be admissions for any purpose in any other
16 administrative, civil or criminal action, forum or proceeding.

17 6. That the respondent's license history and status as set forth at paragraph 2 of the
18 Accusation are true and correct and that the respondent's address of record is as set forth in the
19 caption of this Stipulation and Waiver. (A copy of Accusation Number 12 98 089285 is attached
20 hereto as Exhibit A).

21 7. For purposes of the settlement of the action pending against respondent in case
22 No. 12 98 089285 and to avoid a lengthy administrative hearing that would impose severe
23 economic hardship upon him, the emotional strain upon him, as well as the risks associated with
24 such a trial, respondent admits that there is a factual and legal basis for the imposition of
25 discipline by the Medical Board of California pursuant to Business and Professions Code section
26 2236 (a), for conviction of a misdemeanor, although respondent denies the remaining allegations
27 contained in the Accusation.

28 //

1 8. That it is understood by all parties hereto that by virtue of the foregoing recitals
2 and solely for purposes of settlement of Accusation No. 12 98 089285:

3 IT IS HEREBY STIPULATED AND AGREED that the Medical Board of
4 California, upon its approval of the Stipulation, Waiver and Agreement herein set forth, may,
5 without further notice, prepare a decision and enter the following order, whereby Physician and
6 Surgeon Certificate No. A 20599, heretofore issued to respondent by the Medical Board of
7 California to respondent, Raymond Dean Jennings, M.D., is hereby revoked, PROVIDED
8 HOWEVER, that execution of this order of revocation is stayed, and respondent is placed on
9 probation for a period of **three (3) years** from the effective date of the Decision of the Division of
10 Medical Quality adopting this Stipulation upon the following terms and conditions. Within 15
11 days after the effective date of this decision the respondent shall provide the Division, or its
12 designee, proof of service that respondent has served a true copy of this decision on the Chief of
13 Staff or the Chief Executive Officer at every hospital where privileges or membership are
14 extended to respondent or at any facility where respondent engages in the practice of medicine
15 and on the Chief Executive Officer at every insurance carrier where malpractice insurance
16 coverage is extended to respondent.

17 **SPECIFIC CONDITIONS**

18 (A) **EDUCATION COURSE**

19 Within 90 days of the effective date of this decision, and on an annual basis
20 thereafter, respondent shall submit to the Division for its prior approval an education program or
21 course to be designated by the Division, but which shall be in Category 1 *Geriatrics* continuing
22 medical education, and which shall not be less than **20 hours per year, for each year of**
23 **probation.** This program shall be in addition to the Continuing Medical Education requirements
24 for re-licensure. Following the completion of each course, the Division or its designee may
25 administer an examination to test respondent's knowledge of the course. Respondent shall
26 provide proof of attendance for **a total of 45 hours of continuing medical education** for each
27 year of probation of which 20 hours were in satisfaction of this condition and were approved in
28 advance by the Division.

1 **(B) ETHICS**

2 Within 60 days of the effective date of this decision, respondent shall enroll in a
3 course in Ethics approved in advance by the Division or its designee, and shall successfully
4 complete said course during the first year of probation.

5 **(C) MONITORING**

6 Within 30 days of the effective date of this decision, respondent shall submit to
7 the Division or its designee for its prior approval a plan of practice in which respondent's
8 practice shall be monitored by another physician in respondent's field of practice, who shall
9 provide quarterly reports to the Division or its designee.

10 The monitor must meet, in person, with respondent a minimum of once per
11 quarter and the monitor must be made specifically aware that he/she must, at a minimum, review
12 **respondent's billing practice(s)** for, at minimum, 25 patients per quarter based on a review of
13 the following aspects of the medical practice:

- 14 - The level and adequacy of good faith prior physical and history
15 examinations as medical indications for any and all diagnostic and
16 treatment procedures;
- 17 - The medical indications for all diagnostic procedures and treatments;
- 18 - The interpretation of all diagnostic procedures performed on patients;
- 19 - The appropriateness of diagnosis and differential diagnosis;
- 20 - The appropriateness and level of competency displayed in diagnostic and
21 treatment modalities;
- 22 - The appropriateness of medications and/or treatments their use, length of
23 their use, dosage and possible adverse effects;
- 24 - The appropriateness and adequacy of medical records created;
- 25 - The level and adequacy of appropriate disclosures of alternative treatments
26 as well as the risks and benefits of recommended treatments; and
- 27 - The adequacy and level of patient informed consent to diagnostic and
28 treatment protocols.

1 The monitor shall have the discretion to review any and all of respondent's
2 medical records as he/she deems necessary.

3 The monitor and all costs associated with the monitor's duties, functions and
4 responsibilities shall be paid by respondent. Respondent is specifically prohibited from entering
5 into any bartering arrangement with the monitor, (i.e., using the referral of patients to the monitor
6 to offset the expenses incurred in satisfying this term of probation, etc.) which would or could
7 compromise the integrity of the monitor to render fair and unbiased reports to the Division.

8 If the monitor quits, or is no longer available, respondent shall within 15 calendar
9 days to nominate a new monitor for approval by the Division.

10 A violation of this term of probation, if established, can result in the lifting of the
11 stay order contained herein and can result in the reimposition of the revocation of respondent's
12 certificate as a physician and surgeon.

13 **(D) COMMUNITY SERVICES-FREE SERVICES**

14 Within 60 days of the effective date of this decision, respondent shall submit to
15 the Division or its designee for its prior approval a community service program in which
16 respondent shall provide free non-medical services on a regular basis to a community or
17 charitable facility or agency of at least 20 hours per month for the first 24 months of probation.

18 **(E) REIMBURSEMENT FOR INVESTIGATIVE/ENFORCEMENT COSTS**

19 The respondent is hereby ordered to reimburse the Division the amount of
20 **\$10,000.00** for its investigative and prosecution costs, payable in three equal installments over
21 the three years of probation. The first payment shall be due and payable within one hundred and
22 eighty (180) days of the effective date of this Decision, and on an annual basis thereafter. Failure
23 to reimburse the Division's cost of its investigation and prosecution shall constitute a violation of
24 the probation order, unless the Division agrees in writing to payment by an installment plan
25 because of financial hardship. If at the conclusion of probation respondent has failed to make
26 payment in full, then probation shall be extended for another year and respondent will be
27 responsible for probation monitoring costs for an additional year. The filing of bankruptcy by
28 the respondent shall not relieve the respondent of his responsibility to reimburse the Division for

1 its investigative and prosecution costs.

2 **(F) PROBATION MONITORING COSTS**

3 All actual costs incurred for probation monitoring during the entire probation
4 period shall be paid by the respondent. The costs for reimbursement purposes of probation
5 monitoring costs shall not exceed **\$2,488.00** per fiscal year. Such costs shall be payable to the
6 Medical Board of California at the end of each fiscal year. Failure to pay such costs shall be
7 considered a violation of probation.

8 **GENERAL TERMS OF PROBATION**

9 **(G) OBEY ALL LAWS**

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

13 **(H) QUARTERLY REPORTS**

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

17 **(I) SURVEILLANCE PROGRAM**

18 Respondent shall comply with the Division's probation surveillance program.
19 Respondent shall, at all times, keep the Division informed of his or her addresses of business and
20 residence which shall both serve as addresses of record. Changes of such addresses shall be
21 immediately communicated in writing to the Division. Under no circumstances shall a post
22 office box serve as an address of record.

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

26 **(J) INTERVIEW WITH THE DIVISION, ITS DESIGNEE OR ITS**
27 **DESIGNATED PHYSICIAN(S)**

28 Respondent shall appear in person for interviews with the Division, its designee or

its designated physician(s) upon request at various intervals and with reasonable notice.

**(K) TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR
IN-STATE NON-PRACTICE**

In the event respondent should leave California to reside or to practice outside the State or for any reason should respondent stop practicing medicine in California, respondent shall notify the Division or its designee in writing within ten days of the dates of departure and return or the dates of non-practice within California. Non-practice is defined as any period of time exceeding thirty days in which respondent is not engaging in any activities defined in Sections 2051 and 2052 of the Business and Professions Code. All time spent in an intensive training program approved by the Division or its designee shall be considered as time spent in the practice of medicine. Periods of temporary or permanent residence or practice outside California or of non-practice within California, as defined in this condition, will not apply to the reduction of this probationary period.

(L) COMPLETION OF PROBATION

Upon successful completion of probation, respondent's certificate shall be fully restored.

(M) VIOLATION OF PROBATION

If respondent violates probation in any respect, the Division, 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 is filed against respondent during probation, the Division shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

(N) LICENSE SURRENDER

Following the effective date of this decision, if respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, respondent may voluntarily tender his certificate to the Board. The Division reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances.

1 Upon formal acceptance of the tendered license, respondent will no longer be subject to the terms
2 and conditions of probation.

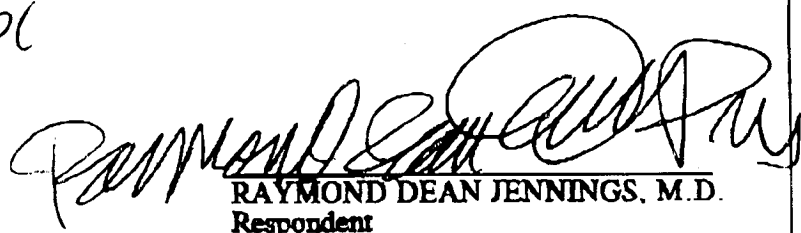
3 **CONTINGENCY**

4 9. This stipulation shall be subject to the approval of the Division of Medical
5 Quality. Respondent understands and agrees that Medical Board staff and counsel for
6 complainant may communicate directly with the Chief of Enforcement of the Division of
7 Medical Quality regarding this stipulation, without notice to or participation by respondent or
8 his representative. If the Division of Medical Quality fails to adopt this proposed stipulation,
9 the stipulation shall be of no force or effect, it shall be inadmissible in any legal action between
10 the parties, and the Division shall not be disqualified from further action in this matter by
11 virtue of it's consideration of this stipulation.

12 **ACCEPTANCE**

13 I have read the above Stipulation, Waiver and Agreement for the Issuance of a
14 Decision and Order revoking, but staying the execution of said order, of my certificate as a
15 physician and surgeon with the foregoing terms and conditions of probation. I have fully
16 discussed the terms and conditions and other matters contained therein with my legal counsel.
17 I understand the effect this stipulation will have on my license and agree to be bound by it. I
18 enter into this stipulation freely, knowingly, intelligently and voluntarily.

19
20 Dated: 12-13-01

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22 
23 RAYMOND DEAN JENNINGS, M.D.
24 Respondent
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1 I have read the above Stipulation, Waiver and Agreement for the issuance of a
2 Decision and Order as heretofore described and related matters and approve of it as to form
3 and content. I have fully discussed its terms and conditions with respondent Raymond Dean
4 Jennings, M.D.

5
6 Dated: 12/20/01

7
8 Robert R. Moore / myb
9 ROBERT R. MOORE, ESQ.
Attorney for Respondent

10
11 **ENDORSEMENT**

12 The foregoing Stipulation, Waiver and Agreement for the issuance of a Decision and
13 Order Thereon is respectfully submitted for the consideration of the Division of Medical
14 Quality, Medical Board of California, Department of Consumer Affairs.

15
16 Dated: Nov. 19, 2001

17
18 BILL LOCKYER
Attorney General

19
20 Alfredo Terrazas
21 ALFREDO TERRAZAS
22 Deputy Attorney General
Office of the Attorney General

23 Attorney for the Medical Board
24 of California
25
26
27
28

ORIGINAL

1 BILL LOCKYER, Attorney General
of the State of California
2 VIVIEN HARA HERSH
Supervising Deputy Attorney General
3 ALFREDO TERRAZAS, State Bar No. 78403
Deputy Attorney General
4 California Department of Justice
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6 Facsimile: (510) 622-2121

7 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO, September 28, 1999
BY Charles H. Matthews

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

13 In the Matter of the Accusation Against:

14 RAYMOND DEAN JENNINGS, M.D.
Post Office Box 400
15 Deer Park, CA 94576

16 Physician and Surgeon
Certificate No. A 20599,

17 Respondent.

Case No. 12 98 089285

ACCUSATION

19 The Complainant alleges:

21 PARTIES

- 22 1. Complainant, Ron Joseph, is the Executive Director of the Medical Board
23 of California (hereinafter the "Board") and brings this Accusation solely in his official capacity.
- 24 2. On or about July 1, 1963, Physician and Surgeon Certificate No. A
25 20599 was issued by the Board to respondent Raymond Dean Jennings, M.D. (hereinafter
26 "respondent"), and at all times relevant to the charges brought herein said license has been in full
27 force and effect. Unless renewed, it will expire on December 31, 2000. There is no Board record
28 of previous disciplinary action having been taken against this certificate. Respondent is not

1 currently approved as a supervisor of a physician assistant.

2 **JURISDICTION**

3 3. This Accusation is brought before the Division of Medical Quality of the
4 Medical Board of California, Department of Consumer Affairs (hereinafter the "Division"),
5 under the authority of the following sections of the California Business and Professions Code
6 (hereinafter "the Code"):

7 A. Section 2227 of the Code provides that a licensee who has been found
8 guilty under the Medical Practice Act by the Division may have his license revoked, suspended
9 for a period not to exceed one year, or placed on probation and required to pay the costs of
10 probation monitoring, or other action may be taken against the license that the Division deems
11 proper.

12 B. Section 2234 of the Code provides, in pertinent part, that the Division
13 shall take action against any licensee who is charged with unprofessional conduct.
14 Unprofessional conduct includes, but is not limited to, the following:

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

17 (b) Gross negligence.

18 (c) Repeated Negligent Acts

19 (d) Incompetence.

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

22 (f) Any action or conduct which would have warranted the denial of a
23 certificate." (Emphasis added.)

24 C. Section 480(a)(2) of the Code provides that a board may deny a license if
25 the applicant has done any act involving dishonesty, fraud, or deceit with the intent to
26 substantially benefit himself or another. (Emphasis added.)

27 D. Section 2236 of the Code provides as follows:
28 "Conviction of offense related to qualifications, functions, or duties of physician or surgeon;

1 unprofessional conduct; notice of pendency of action; record of conviction

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

6 (b) The district attorney, city attorney, or other prosecuting agency shall notify
7 the Division of Medical Quality of the pendency of an action against a licensee charging a felony
8 or misdemeanor immediately upon obtaining information that the defendant is a licensee. The
9 notice shall identify the licensee and described the crimes charged and the facts alleged. The
10 prosecuting agency shall also notify the clerk of the court in which the action is pending that the
11 defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds
12 a license as a physician and surgeon.

13 (c) The clerk of the court in which a licensee is convicted of a crime shall,
14 within 48 hours after the conviction, transmit a certified copy of the record of conviction to the
15 board. The division may inquire into the circumstances surrounding the commission of a crime
16 in order to fix the degree of discipline or to determine if the conviction is of an offense
17 substantially related to the qualifications, functions, or duties of a physician and surgeon.

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

21 E. Sections 490 and 493 of the Code provide as follows:

22 "490. A board may suspend or revoke a license on the ground that the licensee
23 has been convicted of a crime, if the crime is substantially related to the qualifications, functions,
24 or duties of the business or profession for which the license was issued, or the ground of
25 knowingly making a false statement of fact required to be revealed in an application for such
26 license. A conviction within the meaning of this section means a plea or verdict of guilty or a
27 conviction following a plea of nolo contendere. Any action which a board is permitted to take
28 following the establishment of a conviction may be taken when the time for appeal has elapsed,

1 or the judgment of conviction has been affirmed on appeal, or when an order granting probation
2 is made suspending the imposition of sentence, irrespective of a subsequent order under the
3 provisions of Section 1203.4 of the Penal Code."

4 "493 Notwithstanding any other provision of law, in a proceeding conducted by
5 a board within the department pursuant to law to deny an application for a license or to suspend
6 or revoke a license or otherwise take disciplinary action against a person who holds a license,
7 upon the ground that the applicant or the licensee has been convicted of a crime substantially
8 related to the qualifications, functions, and duties of the licensee in question, the record of
9 conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but
10 only of that fact, and the board may inquire into the circumstances surrounding the commission
11 of the crime in order to fix the degree of discipline or to determine if the conviction is
12 substantially related to the qualifications, functions, and duties of the licensee in question."

13 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and
14 'registration.'"

15 F. Section 125.3 of the Code provides, in part, that the Board may request the
16 administrative law judge to direct any licensee found to have committed a violation or
17 violations of the licensing act, to pay the Board a sum not to exceed the reasonable costs of the
18 investigation and enforcement of the case.

19 G. Welfare and Institutions Code Section 14124.12 states, in pertinent part, as
20 follows:

21 "(a) Upon receipt of written notice from the Medical Board of California, that a
22 licensee's license has been placed on probation as a result of a disciplinary action, the department
23 may not reimburse any Medi-Cal claim for the type of surgical service or invasive procedure that
24 gave rise to the probation, that was performed by the licensee on or after the effective date of the
25 probation and until the termination of all probationary terms and conditions or until the
26 probationary period has ended, whichever occurs first. This section shall apply except in any case
27 in which the relevant licensing board determines that compelling circumstances warrant the
28 continued reimbursement during the probationary period of any Medi-Cal claim.... In such a

1 case, the department shall continue to reimburse the licensee for all procedures, except for those
2 invasive or surgical procedures for which the licensee was placed on probation."

3 **PRINCIPLES OF MEDICAL ETHICS**

4 4. Section 1 of the American Medical Association's Principles of Medical
5 Ethics states as follows:

6 "A physician shall be dedicated to providing competent medical service with
7 compassion and respect for human dignity."

8 5. Section 2 of the American Medical Association's Principles of Medical
9 Ethics states as follows:

10 "A physician shall deal honestly with patients and colleagues, and strive to expose
those physicians deficient in character or competence, or who engage in fraud or deception."

11 6. The incidents described in this Accusation occurred while respondent was
12 practicing as a physician and surgeon specializing in internal medicine in or about Napa,
13 California

14 **FIRST CAUSES FOR DISCIPLINE**

15 (Patient D.S.^{1/})

16 7. Respondent is subject to disciplinary action under sections 2234 (general
17 unprofessional conduct), and/or 2234(b) and/or 2234(c) and/or 2234(d) and/or 2234(e) and/or
18 2234(f) in conjunction with 480(a)(2), of the Code in his treatment of D.S.. The facts are as
19 follows:

20 A. On or about February 8, 1995 then 105 year old male patient D.S., d.o.b.

21 [REDACTED] was first seen as a patient by respondent at his office in Clearlake, California.

22 B. On or about December 6, 1995 patient D.S. brought a will to respondent
23 during an outpatient visit. D.S. was upset because a trusted friend wanted him to sign the will,
24 leaving his assets to the friend. D.S. advised respondent that he (D.S.) wanted to leave his assets
25 to a fund to benefit children from his homeland (Ukraine).

26 C. On or about April 17, 1996, patient D.S. had an office visit with

27
28 1. The names of the patients will be disclosed to respondent pursuant to a request for
discovery.

1 respondent. The doctor's chart note indicates that he had been talking to the patient "for a
2 number of months" about the patient's difficulty managing his rental property and house by
3 himself. The note provides, in part, the following additional information:

4 " . . . Lengthy discussion with the patient today regarding his
5 personal crisis as he sees it and I phoned to a retirement center in
6 the Napa Valley area, they happen to have had an opening, and I
7 was able to take him in my car to his new living space. "

8 D. On April 17, 1996 respondent's son, Randall Jennings, contacted Turner
9 Moving and Storage about moving D.S.'s belongings from Clearlake to Silverado Orchards in St.
10 Helena (Randall Jennings was the manager of Silverado Orchards at that time).

11 E. On April 24, 1996 respondent called Wells Fargo Bank in St. Helena and
12 advised teller Isook Park that his daughter would be coming to the bank with one of his patients
13 to open an account. D.S. opened checking and money market savings accounts on the same day.
14 The teller wrote respondent's personal account number on the signature cards as a reference to
15 the transaction because D.S. had no identification.

16 F. On July 1, 1996 D.S. added Deborah Jennings, respondent's daughter, to
17 his checking account so that she could pay his bills.

18 G. During the next few months, Deborah Jennings used large sums of D.S.'s
19 money for her personal expenditures, e.g., the purchase of three horses, a 1991 Ford pickup
20 truck, nasal surgery for her boyfriend, etc.

21 H. On August 26, 1996 respondent created an outpatient note indicating
22 D.S.'s weight on that date was "107, stable". (The outpatient records do not indicate the
23 patient's weight after this date.) Also on this date, Deborah Jennings wrote a check to "J&L
24 Associates" for \$452.89 to purchase Nu Skin products ostensibly for D.S. She wrote another
25 check for these products on the same day, then voided it. The voided check was payable to
26 Ramona Jennings, respondent's wife. Nu Skin corporate officials advised St. Helena Police
27 Officer Dave Curtin that Ramona Jennings, respondent and two other individuals are the owners
28 of "J&L Associates". Officer Curtin also determined that Deborah Jennings was living at her

1 parents' residence when these checks were issued.

2 I. On September 30, 1996, Deborah Jennings wrote a check from D.S.'s
3 account for \$425.65, to pay for repairs to respondent's car (a Lincoln Mercury).

4 J. On October 15, 1996, Deborah Jennings gave notice to Randall Jennings,
5 her brother and manager at Silverado Orchards, that D.S. would be vacating his apartment and
6 would not be returning.

7 K. On October 19, 1996, respondent wrote a hospital admission record
8 indicating D.S.'s "careworker", (believed to be respondent's daughter, Deborah Jennings), called
9 to advise him that D.S. had aspirated, choked and coughed and "didn't breath for awhile". The
10 record indicates that respondent went to D.S.'s apartment "on an emergency basis" and that D.S.
11 had recovered by the time he arrived. D.S. was then admitted to St. Helena Hospital for severe
12 dehydration. (The outpatient records do not indicate what time respondent was called by the
13 "careworker", what time he saw the patient, what the patient's vital signs were, what treatment
14 was provided, or how the patient was subsequently transported to the hospital.)

15 L. On October 19, 1996, at approximately 1045 hours, C. Penrod, R.N.,
16 noted in a patient assessment form that D.S.'s weight, taken by chair scale, was 87.1 pounds.
17 (This represents a weight loss of almost twenty pounds in 54 days; since respondent's outpatient
18 note dated August 26, 1996.)

19 M. On October 21, 1996, Dr. John Hodgkin assumed responsibility for D.S.'s
20 inpatient care because respondent was going out of town. Also on this date, D.S. was seen by
21 James Woolley, M.D., a urologist. Dr. Woolley's consult note indicates, in part, that "....
22 Patient does have a history of a high PSA, however, a diagnosis of prostate cancer has not
23 been proven although is suspected by his previous high PSA." (Respondent's outpatient
24 notes dated June 24 and October 13, 1996 indicate that the patient has advancing prostate
25 carcinoma.)

26 N. D.S. died in the hospital on October 26, 1996.

27 O. On October 28, 1996, Deborah Jennings called Lynn Reynolds, a probate
28 officer at the Napa County Public Guardian's office. Ms. Jennings advised Ms. Reynolds that

1 she had contacted a mortuary about cremating D.S.'s remains. She said the mortuary advised her
2 that consent for the cremation was needed from the Public Guardian's office, because D.S. had
3 no next of kin. Ms. Jennings also advised Ms. Reynolds that she had been caring for D.S. for
4 over a year and that he was like a grandfather to her. Ms. Jennings also stated that D.S. did not
5 have a will and that she had closed his bank account. Ms. Reynolds subsequently learned that
6 D.S. did have a will that he kept in a safe in his apartment. Ms. Reynolds called the St. Helena
7 Police Department after she inspected the apartment and found that the safe and all personal
8 papers were missing. Deborah Jennings subsequently left the state.

9 P. On April 16, 1997, Officer Curtin received from Public Guardian Jane
10 Davidson a suitcase that was turned over to her by a private investigator employed by Debra
11 Jennings' attorney. The suitcase contained numerous items belonging to D.S., including
12 pharmacy records and medical and insurance records.

13 Q. On August 6, 1998, a search warrant for D.S.'s medical records was
14 served at St. Helena Hospital and at respondent's office, located on the second floor of the
15 hospital. Respondent advised investigating officers that he had not removed anything from the
16 chart. The officers subsequently found some of D.S.'s records in the trash can in respondent's
17 personal office and inside the doctor's left pants pocket. Respondent was also noted by the peace
18 officer to be vigorously chewing on something and despite being warned not to swallow
19 whatever was in his mouth, respondent swallowed thereby destroying whatever it was that he was
20 chewing. Respondent advised police he was only cleaning up the chart and removing
21 unimportant things. He was arrested for destruction of evidence and invoked his rights per
22 Miranda. (The medical records removed by respondent consist of handwritten notes with dates
23 and weights, an x-ray report faxed on July 2, 1996, a hospital admission face sheet, and some
24 "superbills" dated April 17, 1996 and September 24, 1996. The weights dated March 29, 1995,
25 April 12, 1995 and August 2, 1995 are not documented elsewhere in the patient's chart. A
26 second superbill dated April 17, 1996, in different handwriting, is in the patient's record [This is
27 the date that respondent drove patient D.S. from Clearlake to St. Helena in his personal car.]
28 There is no chart note corresponding to the discarded superbill dated September 24, 1996.)

1 R. On or about September 4, 1998 in the Municipal Court of California,
2 County of Napa, in *People of the State of California vs. Raymond Dean Jennings*, Case No.
3 CR35883, PID Number 9801322-001, four felony counts were filed against respondent herein.
4 The charges were that in connection with the investigation involving patient D.S. that respondent
5 had violated Penal Code sections 132, (Offering False Evidence); 134, (Preparing False
6 Documentary Evidence); 487 (a), (Grand Theft by Embezzlement) and 368 (c), (Theft by
7 Caretaker from Elder Adult).

8 S. On October 22, 1998, the Bureau of Indian Affairs arrested Deborah
9 Jennings and her boyfriend at Wounded Knee Indian Reservation in South Dakota. The arrest
10 was made pursuant to federal warrants issued in connection with the facts listed herein above.

11 T. On October 29, 1998, a First Amended Criminal Complaint was filed
12 against respondent in Case No. CR35883 adding an additional felony count beyond the four
13 already charged. A count of violating Penal Code section 368 (a), (Caretaker Endangering
14 Health of Elder) was added to the charges.

15 U. On January 21, 1999, in reference to criminal charges pending against
16 Deborah Jennings, who by this time had been extradited to California from South Dakota,
17 Deborah Jennings agreed, among other things, to plead guilty to a single count of violating Penal
18 Code section 368 (c), (Theft by Caretaker from Elder Adult) in return for the following:

- 19 • Dismissal of Grand Theft by Embezzlement, Penal Code section 487 (a),
- 20 • Promise by the court to receive no more than two years in prison,
- 21 • Statutorily eligible for probation,
- 22 • Dismiss against her father, Dr. Jennings, Grand Theft and Elder Abuse
- 23 charges; and
- 24 • Dismiss against her boyfriend all charges.

25 V. On March 18, 1999 a Second Amended Criminal Complaint was filed
26 against respondent in Case No. CR35883. At this time, the matter was filed in the Superior
27 Court of the State of California, County of Napa and the charges were reduced to two
28 misdemeanors; one count of violating Penal Code section 135, (Destroying Evidence, to wit,

1 medical file and records about to be produced in evidence in an inquiry and investigation
2 authorized by law with intent thereby to prevent it from being produced) and section 148(a)(1),
3 (Resisting, Obstructing, Delaying a Peace Officer, to wit, unlawfully resisting, delaying and
4 obstructing investigators, who were then and there peace officers attempting to and discharging
5 the duty of their office and employment).

6 W. On August 2, 1999, following a jury trial, respondent was found guilty of
7 the charges of having violated Penal Code section 135 and 148(a)(1).

8 X. On August 19, 1999, at the time of sentencing, the Court dismissed the
9 conviction for having violated Penal Code section 148(a)(1), (Resisting, Obstructing, Delaying a
10 Peace Officer). Respondent was then referred to Post Court Services and fined \$100.00 for the
11 conviction of having violated Penal Code section 135, (Destroying Evidence, to wit, medical file
12 and records about to be produced in evidence in an inquiry and investigation authorized by law
13 with intent thereby to prevent it from being produced).

14 ACTS OR OMISSIONS

15 8. Respondent committed the following acts or omissions in his care and
16 treatment of D.S.:

17 A. Respondent lied to police officers and/or attempted to obstruct their
18 investigation surrounding the disappearance of monies and other things from the bank accounts
19 of his patient D.S. by willfully destroying evidence, to wit: the medical records of patient.

20 VIOLATIONS

21 9. Respondent's conduct as set forth in paragraphs 7 through 8 herein above
22 constitutes general unprofessional conduct and is cause for disciplinary action pursuant to section
23 2234 of the Code.

24 10. Respondent's conduct as set forth in paragraphs 7 through 8 herein above
25 constitutes gross negligence and is cause for disciplinary action pursuant to section 2234(b) of
26 the Code.

27 11. Respondent's conduct as set forth in paragraphs 7 through 8 herein above
28 constitutes incompetence and is cause for disciplinary action pursuant to section 2234(d) of the

1 Code.

2 12. Respondent's conduct as set forth in paragraphs 7 through 8 herein above
3 constitutes dishonesty, fraud, or deceit with the intent to substantially benefit himself, and is
4 cause for disciplinary action pursuant to section 2234(f) in conjunction with 480(a)(2), of the
5 Code.

6 13. Respondent's conduct as set forth in paragraphs 7 through 8 herein above
7 constitutes the commission of any act(s) involving dishonesty or corruption which is substantially
8 related to the qualifications, functions, or duties of a physician and surgeon and is cause for
9 disciplinary action pursuant to section 2234(e) of the Code.

10 14. Respondent's conviction is substantially related to the qualifications,
11 functions, and duties of a physician, as more particularly alleged herein above in paragraphs 7
12 and 8 and is cause for disciplinary action pursuant to sections 490 and 2236 of the Code.

13 PRAYER

14 WHEREFORE, the complainant requests that a hearing be held on the matters
15 herein alleged, and that following the hearing, the Division issue a decision:

16 1. Revoking or suspending Physician and Surgeon Certificate No. A 20599,
17 heretofore issued to respondent Raymond D. Jennings, M.D.;

18 2. Ordering respondent to pay the Division the actual and reasonable costs of
19 the investigation and enforcement of this case and, if placed on probation, the costs of probation
20 monitoring;

21 3. Prohibiting respondent from supervising a Physician Assistant; and

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4. Taking such other and further action as the Division deems necessary and proper.

DATED: February 25, 2000.



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

Complainant