

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

In the Matter of the Accusation)
Against:)
)
)
Lal Kaye Yilmaz Gonzalez, M.D.)
)
Physician's and Surgeon's)
Certificate No. A 71198)
)
Respondent)
_____)

Case No. 800-2018-047172


DECISION

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

This Decision shall become effective at 5:00 p.m. on December 18, 2019.

IT IS SO ORDERED: November 18, 2019.

MEDICAL BOARD OF CALIFORNIA



Ronald H. Lewis, M.D., Chair
Panel A

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 State Bar No. 116564
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3521
5 Facsimile: (415) 703-5480
E-mail: Janezack.simon@doj.ca.gov
6 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 800-2018-047172

12 **LAL KAYE YILMAZ GONZALEZ, M.D.**
13 1980 Meadow Road
Walnut Creek, CA 94595

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Physician's and Surgeon's Certificate No. A
15 71198

16 Respondent.

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

20 **PARTIES**

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 Jane Zack Simon,
Supervising Deputy Attorney General.

24 2. Respondent Lal Kaye Yilmaz Gonzalez, M.D. (Respondent) is represented in this
25 proceeding by attorney Thomas E. Still of Hinshaw, Marsh, Still & Hinshaw, LLP, 12901
26 Saratoga Avenue, Saratoga, CA 95070.
27
28

1 facie case with respect to the charges and allegations in the Accusation, and Respondent hereby
2 gives up her right to contest those charges.

3 10. Respondent agrees the Disciplinary Order below, requiring the disclosure of
4 probation pursuant to Business and Professions Code section 2228.1, serves to protect the public
5 interest.

6 11. Respondent agrees that her Physician's and Surgeon's Certificate is subject to
7 discipline and she agrees to be bound by the Board's probationary terms as set forth in the
8 Disciplinary Order below.

9 **RESERVATION**

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

14 **CONTINGENCY**

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

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

28

1 4. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the
2 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice
3 where: 1) Respondent merely shares office space with another physician but is not affiliated for
4 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that
5 location. If Respondent fails to establish a practice with another physician or secure employment
6 in an appropriate practice setting within 60 calendar days of the effective date of this Decision,
7 Respondent shall receive a notification from the Board or its designee to cease the practice of
8 medicine within three (3) calendar days after being so notified. The Respondent shall not resume
9 practice until an appropriate practice setting is established.

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

18 5. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)
19 days of the effective date of this Decision, Respondent shall provide to the Board the names,
20 physical addresses, mailing addresses, and telephone numbers of any and all employers and
21 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's
22 worksite monitor, and Respondent's employers and supervisors to communicate regarding
23 Respondent's work status, performance, and monitoring.

24 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or
25 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff
26 privileges.

27 6. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
28 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.

1 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
2 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall
3 make daily contact with the Board or its designee to determine whether biological fluid testing is
4 required. Respondent shall be tested on the date of the notification as directed by the Board or its
5 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at
6 any time, including weekends and holidays. Except when testing on a specific date as ordered by
7 the Board or its designee, the scheduling of biological fluid testing shall be done on a random
8 basis. The cost of biological fluid testing shall be borne by the Respondent.

9 Throughout the probationary term, Respondent shall be subject to 36 to 104 random tests
10 per year. Only if there has been no positive biological fluid tests in the previous five (5)
11 consecutive years of probation, may testing be reduced to one (1) time per month. Nothing
12 precludes the Board from increasing the number of random tests to the standard first-year level of
13 frequency (52-104 random tests) for any reason.

14 Prior to practicing medicine, Respondent shall contract with a laboratory or service,
15 approved in advance by the Board or its designee, that will conduct random, unannounced,
16 observed, biological fluid testing and meets all of the following standards:

- 17 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry
18 Association or have completed the training required to serve as a collector for the United
19 States Department of Transportation.
- 20 (b) Its specimen collectors conform to the current United States Department of
21 Transportation Specimen Collection Guidelines.
- 22 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published
23 by the United States Department of Transportation without regard to the type of test
24 administered.
- 25 (d) Its specimen collectors observe the collection of testing specimens.
- 26 (e) Its laboratories are certified and accredited by the United States Department of Health
27 and Human Services.
- 28 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day

1 of receipt and all specimens collected shall be handled pursuant to chain of custody
2 procedures. The laboratory shall process and analyze the specimens and provide legally
3 defensible test results to the Board within seven (7) business days of receipt of the
4 specimen. The Board will be notified of non-negative results within one (1) business day
5 and will be notified of negative test results within seven (7) business days.

6 (g) Its testing locations possess all the materials, equipment, and technical expertise
7 necessary in order to test Respondent on any day of the week.

8 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens
9 for the detection of alcohol and illegal and controlled substances.

10 (i) It maintains testing sites located throughout California.

11 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line
12 computer database that allows the Respondent to check in daily for testing.

13 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff
14 access to drug test results and compliance reporting information that is available 24 hours a
15 day.

16 (l) It employs or contracts with toxicologists that are licensed physicians and have
17 knowledge of substance abuse disorders and the appropriate medical training to interpret
18 and evaluate laboratory biological fluid test results, medical histories, and any other
19 information relevant to biomedical information.

20 (m) It will not consider a toxicology screen to be negative if a positive result is obtained
21 while practicing, even if the Respondent holds a valid prescription for the substance.

22 Prior to changing testing locations for any reason, including during vacation or other travel,
23 alternative testing locations must be approved by the Board and meet the requirements above.

24 The contract shall require that the laboratory directly notify the Board or its designee of
25 non-negative results within one (1) business day and negative test results within seven (7)
26 business days of the results becoming available. Respondent shall maintain this laboratory or
27 service contract during the period of probation.

28 A certified copy of any laboratory test result may be received in evidence in any

1 proceedings between the Board and Respondent.

2 If a biological fluid test result indicates Respondent has used, consumed, ingested, or
3 administered to himself or herself a prohibited substance, the Board shall order Respondent to
4 cease practice and instruct Respondent to leave any place of work where Respondent is practicing
5 medicine or providing medical services. The Board shall immediately notify all of Respondent's
6 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or
7 provide medical services while the cease-practice order is in effect.

8 A biological fluid test will not be considered negative if a positive result is obtained while
9 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited
10 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

11 After the issuance of a cease-practice order, the Board shall determine whether the positive
12 biological fluid test is in fact evidence of prohibited substance use by consulting with the
13 specimen collector and the laboratory, communicating with the licensee, his or her treating
14 physician(s), other health care provider, or group facilitator, as applicable.

15 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the
16 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

17 For purposes of this condition, the term "prohibited substance" means an illegal drug, a
18 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by
19 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been
20 instructed by the Board not to use, consume, ingest, or administer to himself or herself.

21 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited
22 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the
23 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to
24 any other terms or conditions the Board determines are necessary for public protection or to
25 enhance Respondent's rehabilitation.

26 7. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days of
27 the effective date of this Decision, Respondent shall submit to the Board or its designee, for its
28 prior approval, the name of a substance abuse support group which he or she shall attend for the

1 duration of probation. Respondent shall attend substance abuse support group meetings at least
2 once per week, or as ordered by the Board or its designee. Respondent shall pay all substance
3 abuse support group meeting costs.

4 The facilitator of the substance abuse support group meeting shall have a minimum of three
5 (3) years experience in the treatment and rehabilitation of substance abuse, and shall be licensed
6 or certified by the state or nationally certified organizations. The facilitator shall not have a
7 current or former financial, personal, or business relationship with Respondent within the last five
8 (5) years. Respondent's previous participation in a substance abuse group support meeting led by
9 the same facilitator does not constitute a prohibited current or former financial, personal, or
10 business relationship.

11 The facilitator shall provide a signed document to the Board or its designee showing
12 Respondent's name, the group name, the date and location of the meeting, Respondent's
13 attendance, and Respondent's level of participation and progress. The facilitator shall report any
14 unexcused absence by Respondent from any substance abuse support group meeting to the Board,
15 or its designee, within twenty-four (24) hours of the unexcused absence.

16 8. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within thirty
17 (30) calendar days of the effective date of this Decision, Respondent shall submit to the Board or
18 its designee for prior approval as a worksite monitor, the name and qualifications of one or more
19 licensed physician and surgeon, other licensed health care professional if no physician and
20 surgeon is available, or, as approved by the Board or its designee, a person in a position of
21 authority who is capable of monitoring the Respondent at work.

22 The worksite monitor shall not have a current or former financial, personal, or familial
23 relationship with Respondent, or any other relationship that could reasonably be expected to
24 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its
25 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite
26 monitor, this requirement may be waived by the Board or its designee, however, under no
27 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

28 The worksite monitor shall have an active unrestricted license with no disciplinary action

1 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms
2 and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth
3 by the Board or its designee.

4 Respondent shall pay all worksite monitoring costs.

5 The worksite monitor shall have face-to-face contact with Respondent in the work
6 environment on as frequent a basis as determined by the Board or its designee, but not less than
7 once per week; interview other staff in the office regarding Respondent's behavior, if requested
8 by the Board or its designee; and review Respondent's work attendance.

9 The worksite monitor shall verbally report any suspected substance abuse to the Board and
10 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected
11 substance abuse does not occur during the Board's normal business hours, the verbal report shall
12 be made to the Board or its designee within one (1) hour of the next business day. A written
13 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and
14 any other information deemed important by the worksite monitor shall be submitted to the Board
15 or its designee within 48 hours of the occurrence.

16 The worksite monitor shall complete and submit a written report monthly or as directed by
17 the Board or its designee which shall include the following: (1) Respondent's name and
18 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)
19 the worksite monitor's license number, if applicable; (4) the location or location(s) of the
20 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the
21 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;
22 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can
23 lead to suspected substance abuse by Respondent. Respondent shall complete any required
24 consent forms and execute agreements with the approved worksite monitor and the Board, or its
25 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

26 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)
27 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior
28 approval, the name and qualifications of a replacement monitor who will be assuming that

1 responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a
2 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the
3 monitor, Respondent shall receive a notification from the Board or its designee to cease the
4 practice of medicine within three (3) calendar days after being so notified. Respondent shall
5 cease the practice of medicine until a replacement monitor is approved and assumes monitoring
6 responsibility.

7 9. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING
8 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of
9 probation.

10 A. If Respondent commits a major violation of probation as defined by section
11 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
12 one or more of the following actions:

13 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical
14 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
15 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice
16 order issued by the Board or its designee shall state that Respondent must test negative for at least
17 a month of continuous biological fluid testing before being allowed to resume practice. For
18 purposes of determining the length of time a Respondent must test negative while undergoing
19 continuous biological fluid testing following issuance of a cease-practice order, a month is
20 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until
21 notified in writing by the Board or its designee that he or she may do so.

22 (2) Increase the frequency of biological fluid testing.

23 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or
24 other action as determined by the Board or its designee.

25 B. If Respondent commits a minor violation of probation as defined by section
26 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
27 one or more of the following actions:

28 (1) Issue a cease-practice order;

- 1 (2) Order practice limitations;
2 (3) Order or increase supervision of Respondent;
3 (4) Order increased documentation;
4 (5) Issue a citation and fine, or a warning letter;
5 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in
6 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of
7 Regulations, at Respondent's expense;
8 (7) Take any other action as determined by the Board or its designee.

9 C. Nothing in this Decision shall be considered a limitation on the Board's authority
10 to revoke Respondent's probation if he or she has violated any term or condition of probation. If
11 Respondent violates probation in any respect, the Board, after giving Respondent notice and the
12 opportunity to be heard, may revoke probation and carry out the disciplinary order that was
13 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed
14 against Respondent during probation, the Board shall have continuing jurisdiction until the matter
15 is final, and the period of probation shall be extended until the matter is final.

16 10. NOTIFICATION. Within seven (7) days of the effective date of this
17 Decision, the Respondent shall provide a true copy of this Decision and Accusation to the Chief
18 of Staff or the Chief Executive Officer at every hospital where privileges or membership are
19 extended to Respondent, at any other facility where Respondent engages in the practice of
20 medicine, including all physician and locum tenens registries or other similar agencies, and to the
21 Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage
22 to Respondent. Respondent shall submit proof of compliance to the Board or its designee within
23 15 calendar days. This condition shall apply to any change(s) in hospitals, other facilities or
24 insurance carrier.

25 11. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
26 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
27 advanced practice nurses. Respondent may utilize the services of physician assistants, advance
28 practice nurses, and other operating room personnel, in a hospital setting.

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

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

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

9 14. GENERAL PROBATION REQUIREMENTS.

10 Compliance with Probation Unit

11 Respondent shall comply with the Board's probation unit.

12 Address Changes

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

18 Place of Practice

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

22 License Renewal

23 Respondent shall maintain a current and renewed California physician's and surgeon's
24 license.

25 Travel or Residence Outside California

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

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

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

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

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

26 Respondent's period of non-practice while on probation shall not exceed two (2) years.
27 Periods of non-practice will not apply to the reduction of the probationary term. Periods of non-
28 practice for a Respondent residing outside of California will relieve Respondent of the

1 responsibility to comply with the probationary terms and conditions with the exception of this
2 condition and the following terms and conditions of probation: Obey All Laws; General Probation
3 Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or Controlled
4 Substances; and Biological Fluid Testing.

5 17. COMPLETION OF PROBATION. Respondent shall comply with all financial
6 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
7 completion of probation. Upon successful completion of probation, Respondent's certificate shall
8 be fully restored.

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

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

26 20. PROBATION MONITORING COSTS. Respondent shall pay the costs associated with
27 probation monitoring each and every year of probation, as designated by the Board, which may be
28 adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and

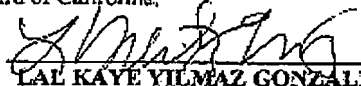
1 delivered to the Board or its designee no later than January 31 of each calendar year.

2 21. PATIENT DISCLOSURE. Before a patient's first visit following the effective date of
3 this order and while the respondent is on probation, the respondent must provide all patients, or
4 patient's guardian or health care surrogate, with a separate disclosure that includes the
5 respondent's probation status, the length of the probation, the probation end date, all practice
6 restrictions placed on the respondent by the board, the board's telephone number, and an
7 explanation of how the patient can find further information on the respondent's probation on the
8 respondent's profile page on the board's website. Respondent shall obtain from the patient, or the
9 patient's guardian or health care surrogate, a separate, signed copy of that disclosure. Respondent
10 shall not be required to provide a disclosure if any of the following applies: (1) The patient is
11 unconscious or otherwise unable to comprehend the disclosure and sign the copy of the disclosure
12 and a guardian or health care surrogate is unavailable to comprehend the disclosure and sign the
13 copy; (2) The visit occurs in an emergency room or an urgent care facility or the visit is
14 unscheduled, including consultations in inpatient facilities; (3) Respondent is not known to the
15 patient until immediately prior to the start of the visit; (4) Respondent does not have a direct
16 treatment relationship with the patient.

17 ACCEPTANCE


18 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
19 discussed it with my attorney, Thomas E. Still. I understand the stipulation and the effect it will
20 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
21 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
22 Decision and Order of the Medical Board of California.

23 DATED: 10/24/19

24 
25 LAL KAYE YILMAZ GONZALEZ, M.D.
26 Respondent
27
28

1 I have read and fully discussed with Respondent Lal Kaye Yilmaz Gonzalez, M.D. the
2 terms and conditions and other matters contained in the above Stipulated Settlement and
3 Disciplinary Order. I approve its form and content.

4 DATED: 10/24/2019


THOMAS E. STILL
Attorney for Respondent

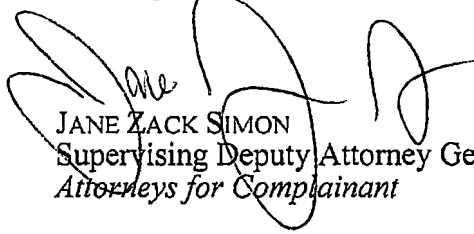
6 **ENDORSEMENT**

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

9 DATED: 10/28/19

Respectfully submitted,

11 XAVIER BECERRA
Attorney General of California


13 JANE ZACK SIMON
14 Supervising Deputy Attorney General
Attorneys for Complainant

15
16
17
18 SF2019201286

Exhibit A

Accusation No. 800-2018-047172

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 State Bar No. 116564
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3521
5 Facsimile: (415) 703-5480
E-mail: Janezack.simon@doj.ca.gov
6 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO July 10 20 19
BY ANDREA CERVA ANALYST

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

12 In the Matter of the Accusation Against:
13 **Lal Kaye Yilmaz Gonzalez, M.D.**
14 1980 Meadow Road
Walnut Creek, CA 94595
15 Physician's and Surgeon's Certificate
No. A 71198,
16
17 Respondent.

Case No. 800-2018-047172

A C C U S A T I O N

18 **PARTIES**

- 19 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
20 capacity as the Executive Director of the Medical Board of California, Department of Consumer
21 Affairs (Board).
22 2. On March 24, 2000, the Medical Board issued Physician's and Surgeon's Certificate
23 Number A 71198 to Lal Kaye Yilmaz Gonzalez, M.D. (Respondent). The Physician's and
24 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
25 herein and will expire on September 30, 2021, unless renewed.
26 ///
27 ///
28 ///

1 **JURISDICTION**

2 3. This Accusation is brought before the Board, under the authority of the following
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise
4 indicated.

5 4. Section 2227 of the Code provides that a licensee who is found guilty under the
6 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
7 one year, placed on probation and required to pay the costs of probation monitoring, or such other
8 action taken in relation to discipline as the Board deems proper.

9 5. Section 2234 of the Code requires the Board to take action against any licensee who
10 is charged with unprofessional conduct.

11 6. Section 2236 of the Code provides that the conviction of any offense substantially
12 related to the qualifications, functions, or duties of a physician and surgeon constitutes
13 unprofessional conduct.

14 7. Section 2239 of the Code provides that the use of alcoholic beverages, to the extent,
15 or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the
16 public, or to the extent that such use impairs the ability of the licensee to practice medicine safely
17 constitutes unprofessional conduct.

18 8. Section 2228.1 of the Code provides, in pertinent part, that the Board shall require a
19 licensee who is disciplined based on drug or alcohol abuse to the extent that such use impairs the
20 ability of the licensee to practice safely to disclose to his or her patients information regarding his
21 or her probation status. The licensee is required to disclose: Probation status, the length of the
22 probation, the probation end date, all practice restrictions placed on the license by the Board, the
23 Board's telephone number, and an explanation of how the patient can find further information on
24 the licensee's probation on the Board's Internet Web site.

25 **FIRST CAUSE FOR DISCIPLINE**

26 (Unprofessional Conduct: Conviction of a Crime/Dangerous Use of Alcohol)

27 9. On July 31, 2018, Walnut Creek police officers responded to a report of a non-injury
28 automobile accident. Officers determined that Respondent hit two cars as she attempted to leave

1 a parking structure. Respondent's 13 year old daughter was a passenger in her vehicle. Officers
2 noted that Respondent appeared to be under the influence of alcohol, although she denied
3 consuming any alcohol. Respondent performed poorly on field sobriety tests and refused to
4 submit to a preliminary alcohol screening test. Respondent was arrested and taken to the police
5 station, where she refused to submit to a chemical test. A blood sample obtained pursuant to a
6 search warrant revealed a blood alcohol level of .275%.

7 10. Respondent was charged in Contra Costa County Superior Court with violations
8 related to driving under the influence of alcohol (Vehicle Code sections 23152(a), 23152(b)), with
9 enhancements for the very high blood alcohol level, child cruelty/endangerment (Penal Code
10 section 273(a)) and hit and run driving (Vehicle Code section 20002(a).) Pursuant to a plea
11 bargain agreement, on January 24, 2019, Respondent was convicted of driving under the
12 influence of alcohol, with an enhancement for the high blood alcohol level. She was sentenced to
13 court probation for 4 years, 10 days in custody and completion of a 9 month alcohol education
14 program. She was required to participate in the Pacific Assistance Group physician monitoring
15 program, and in exchange for dismissal of the child endangerment charge, ordered to complete an
16 8 week parenting program.

17 11. Respondent's criminal conviction for driving under the influence of alcohol with a
18 blood alcohol level more than three times the legal limit is substantially related to the
19 qualifications, functions and duties of a physician and surgeon, and constitutes cause for
20 discipline for unprofessional conduct pursuant to sections 2234 and/or 2236 of the Code.

21 12. Respondent's conduct in driving under the influence of alcohol, with her minor child
22 in the car and with an alarmingly high blood alcohol level, constitutes unprofessional conduct and
23 the use of alcohol in a dangerous manner, and cause for discipline pursuant to sections 2234
24 and/or 2239 of the Code.

25 DISCIPLINARY CONSIDERATIONS

26 13. To determine the degree of discipline to be imposed on Respondent, Complainant
27 alleges that on March 22, 2005, Respondent was found guilty in Sonoma County Superior Court
28

1 of driving under the influence of alcohol. In that case, Respondent's blood alcohol level was in
2 excess of .15%.

3 **PRAYER**

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

- 6 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 71198,
7 issued to Lal Kaye Yilmaz Gonzalez, M.D.;
- 8 2. Revoking, suspending or denying approval of Lal Kaye Yilmaz Gonzalez, M.D.'s
9 authority to supervise physician assistants and advanced practice nurses;
- 10 3. Ordering Lal Kaye Yilmaz Gonzalez, M.D., if placed on probation, to pay the Board
11 the costs of probation monitoring;
- 12 4. Ordering Respondent, if placed on probation, to provide patient notification in
13 accordance with Business and Professions Code section 2228.1; and
- 14 5. Taking such other and further action as deemed necessary and proper.

15
16 DATED: July 10, 2019


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

17
18
19
20
21 SF2019201286
22 21493090.docx
23
24
25
26
27
28