

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

<b>In the Matter of the Accusation</b>	)	
<b>Against:</b>	)	
	)	
	)	
<b>DAVID PAUL DEUTSCH, M.D.</b>	)	<b>Case No. 800-2015-018559</b>
	)	
<b>Physician's and Surgeon's</b>	)	
<b>Certificate No. G83289</b>	)	
	)	
<b>Respondent</b>	)	
_____	)	

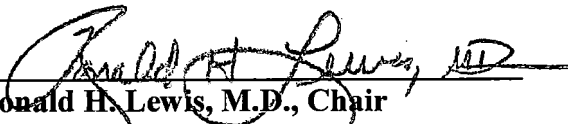
**DECISION**

**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 January 3, 2020.**

**IT IS SO ORDERED December 4, 2019.**

**MEDICAL BOARD OF CALIFORNIA**

  
\_\_\_\_\_  
**Ronald H. Lewis, M.D., Chair**  
**Panel A**

1 XAVIER BECERRA  
Attorney General of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 VLADIMIR SHALKEVICH  
Deputy Attorney General  
4 State Bar No. 173955  
California Department of Justice  
5 300 So. Spring Street, Suite 1702  
Los Angeles, California 90013  
6 Telephone: (213) 269-6538  
Facsimile: (213) 897-9395  
7 *Attorneys for Complainant*

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

12  
13 In the Matter of the Accusation Against:

14 DAVID PAUL DEUTSCH, M.D.

15 East Tower, PH  
16 9100 Wilshire Boulevard  
Beverly Hills, California 90212

17 Physician's and Surgeon's Certificate G 83289,

18 Respondent.  
19

Case No. 800-2015-018559

OAH No. 2019010303

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

20  
21 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-  
22 entitled proceedings that the following matters are true:

23 **PARTIES**

24 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
25 of California (Board). She brought this action solely in her official capacity and is represented in  
26 this matter by Xavier Becerra, Attorney General of the State of California, by Vladimir  
27 Shalkevich, Deputy Attorney General.  
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**CULPABILITY**

9. Respondent admits the truth of the charges and allegations contained in Paragraph 8, subparagraphs A through F and Paragraph 9, subparagraphs B 2 through B 3, of Accusation No. 800-2015-018559.

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

**CONTINGENCY**

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

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

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

**DISCIPLINARY ORDER**

**IT IS HEREBY ORDERED THAT** Physician's and Surgeon's Certificate No. G 83289 issued to Respondent David Paul Deutsch, M.D. is hereby publicly reprimanded pursuant to Business and Professions Code section 2227. This public reprimand is issued in connection with

1 Respondent's actions as alleged in the allegations and charges set forth in Paragraph 8,  
2 subparagraphs A through F and Paragraph 9, subparagraphs B 2 through B 3, of Accusation No.  
3 800-2015-018559.

4 **IT IS FURTHER ORDERED THAT** Respondent shall comply with the following:

5 1. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of  
6 the effective date of this Decision, Respondent shall enroll in a professionalism program, that  
7 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.  
8 Respondent shall participate in and successfully complete that program. Respondent shall  
9 provide any information and documents that the program may deem pertinent. Respondent shall  
10 successfully complete the classroom component of the program not later than six (6) months after  
11 Respondent's initial enrollment, and the longitudinal component of the program not later than the  
12 time specified by the program, but no later than one (1) year after attending the classroom  
13 component. The professionalism program shall be at Respondent's expense and shall be in  
14 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

15 A professionalism program taken after the acts that gave rise to the charges in the  
16 Accusation; but prior to the effective date of the Decision may, in the sole discretion of the Board  
17 or its designee, be accepted towards the fulfillment of this condition if the program would have  
18 been approved by the Board or its designee had the program been taken after the effective date of  
19 this Decision.

20 Respondent shall submit a certification of successful completion to the Board or its  
21 designee not later than 15 calendar days after successfully completing the program or not later  
22 than 15 calendar days after the effective date of the Decision, whichever is later.

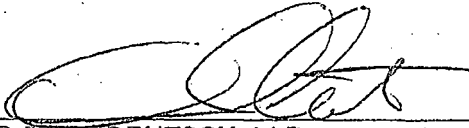
23 2. EDUCATION COURSE. Within 60 calendar days of the effective date of this  
24 Decision, Respondent shall submit to the Board or its designee for its prior approval educational  
25 program(s) or course(s) which shall not be less than 12 hours. The educational program(s) or  
26 course(s) shall be aimed at correcting those areas of deficient practice or knowledge contained in  
27 the Accusation No. 800-2015-018559, and shall be Category I certified. The educational  
28 program(s) or course(s) shall be at Respondent's expense and shall be in addition to the

1 the Accusation No. 800-2015-018559, and shall be Category I certified. The educational  
2 program(s) or course(s) shall be at Respondent's expense and shall be in addition to the  
3 Continuing Medical Education (CME) requirements for renewal of licensure. Following the  
4 completion of each course, the Board or its designee may administer an examination to test  
5 Respondent's knowledge of the course. Respondent shall provide proof of attendance for 37  
6 hours of CME of which 12 hours were in satisfaction of this condition.

7 3. VIOLATION OF THIS AGREEMENT. Failure to comply with any term or  
8 condition of this Agreement is unprofessional conduct in violation of Business and Professions  
9 Code section 2234. If Respondent violates this agreement in any respect, the Board may file an  
10 Accusation and, after a hearing, discipline Respondent's license for unprofessional conduct in  
11 violation of section 2234.

12 ACCEPTANCE

13 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
14 discussed it with my attorney, Peter Osinoff. I understand the stipulation and the effect it will  
15 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and  
16 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
17 Decision and Order of the Medical Board of California.

18  
19 DATED: 7/9/19   
20 DAVID PAUL DEUTSCH, M.D.  
*Respondent*

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

24 DATED: 7/10/19   
25 PETER OSINOFF  
*Attorney for Respondent*

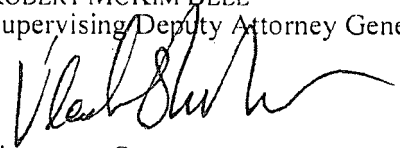
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ENDORSEMENT

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

DATED: 7/10/19

Respectfully submitted,  
XAVIER BEGERRA  
Attorney General of California  
ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
  
VLADIMIR SHALKEVICH  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 800-2015-018559**



1 XAVIER BECERRA  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 RICHARD D. MARINO  
Deputy Attorney General  
4 State Bar No. 90471  
California Department of Justice  
5 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
6 Telephone: (213) 269-6444  
Facsimile: (213) 897-9395  
7 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO Aug 8 20 18  
BY [Signature] ANALYST

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

11 In the Matter of the Accusation Against:

Case No. 800-2015-018559

12 **David Paul Deutsch, M.D.**  
13 **9100 Wilshire Blvd., East Tower PH**  
**Beverly Hills, CA 90212**

**ACCUSATION**

14 **Physician's and Surgeon's Certificate**  
15 **No. G 83289,**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
22 Affairs (Board).

23 2. On or about August 1, 1996, the Medical Board issued Physician's and Surgeon's  
24 Certificate Number G 83289 to David Paul Deutsch, M.D. (Respondent). The Physician's and  
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
26 herein and will expire on September 30, 2019, unless renewed.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Gross Negligence)

3 8. Respondent David Paul Deutsch, M.D. is subject to disciplinary action under  
4 Business and Professions Code section 2234, subdivision (b), in that he committed gross  
5 negligence during the care, treatment and management of one patient,<sup>3</sup> as follows:

- 6 A. On or about August 19, 2015, Patient 1, then 41 years old, underwent a hair  
7 transplant procedure at the Bosley Medical Group's Beverly Hills office.
- 8 B. Patient 1 was aware of the Bosley Medical Group due to the number of  
9 advertisements and promotions he had seen over the years.
- 10 C. On or about August 10, 2015, Patient 1 contacted Respondent about having hair  
11 restoration surgery. Patient 1 scheduled an appointment for August 15, 2015, at  
12 Respondent's Fresno location.<sup>4</sup>
- 13 D. Patient 1 then scheduled hair restoration surgery with Respondent for August  
14 19, 2015. Using a credit card, Patient 1 prepaid Respondent \$1,000 to reserve a  
15 surgical suite for August 19, 2015.
- 16 E. On the date of the scheduled surgery:
- 17 1) 8:00 a.m.: Patient 1 arrived at the Bosley's Beverly Hills office.
- 18 2) 8:04 a.m.: Patient 1 was seen by a sales consultant who was not a  
19 licensed physician and surgeon or other licensed healthcare provider.  
20 The sales consultant discussed Patient 1's medical history which was  
21 significant for asthma and depression. Patient 1 reported that he took  
22 Prozac and aspirin daily. Patient 1 further reported that he rarely used  
23 Albuterol for his asthma. The sales consultant then discussed the  
24 extent of the patient's hair loss and the benefits of hair transplants with  
25 Patient 1. The sales consultant then had Patient 1 sign a document

26 <sup>3</sup> In order to protect the privacy rights of the patient, the patient is referred to as Patient 1.  
27 The true name of the Patient is known to Respondent and will be provided upon his timely  
request for discovery.

28 <sup>4</sup> Patient 1 kept the appointment; however, neither Respondent nor anyone from his office  
attended.

1 entitled: "Bosley-The World's Most Experienced Hair Restoration  
2 Expert- Important Information from Bosley-Please read care fully[.]"

- 3) Both Patient 1 and the sales consultant signed the document.
- 4) Paragraph 7 of the document reads, "All aspects of the medical and  
5 surgical care you receive at Bosley are directed by and controlled by  
6 your Bosley Physician who has board-certification or equivalent  
7 credentials in a surgical specialty such as general, plastic, dermatologic  
8 or ear, nose, & throat surgery."
- 9) Respondent is an independent contractor for the Bosley Medical  
10 Group.<sup>5</sup>
- 11) Respondent was not board certified at the time of the scheduled  
12 surgery.<sup>6</sup>
- 13) In California, a physician and surgeon cannot claim or advertise board-  
14 certification in hair restoration surgery.
- 15) After the sales consultant and Patient 1 executed the "important  
16 information" document, Respondent entered the room. This was the  
17 first time that Patient 1 met Respondent or any licensed medical  
18 professional regarding his anticipated hair restoration surgery.
- 19) Respondent looked at Patient 1 and determined that Patient 1 had  
20 Androgenetic Alopecia Type 5 and found that Patient 1 has a "good  
21 supply of donor hair." Respondent recommended "restoring the  
22 hairline" and "add density." He also recommended the possibility that  
23 two or more procedures may be desired. Respondent further discussed  
24 the use of Propecia.
- 25) Respondent recommended "1800-2800 grafts- max 2800[.]"

26 <sup>5</sup> All physicians at the Bosley Medical Group are independent contractors.

27 <sup>6</sup> Respondent, at one time, was board certified in thoracic and general surgery. During his  
28 meeting with representatives of the Medical Board of California, Respondent stated that he was  
board certified by the American Board of Hair Restoration Surgeons.

- 1 11) Respondent's preoperative report contains the following notations: 1)  
2 not on medications currently<sup>7</sup> and 2) patient is not driving.
- 3 12) 8:18 AM- Patient 1 is brought into the procedure room.
- 4 13) 8:23 AM – Patient 1 executed a medical consent form.<sup>8</sup>
- 5 14) 8:24 AM- the medical consent was witnessed by a Bosley Medical  
6 Group employee.
- 7 15) 8:42 AM- Respondent initialed orders to give 1) Valium 2.5 mg  
8 orally, 2) Keflex or Erythromycin orally, 3) Lidocaine local, 4)  
9 Marcaine locally and to dispense Vicodin, ibuprofen, Ambien, &  
10 Medrol.
- 11 16) 8:43 AM- Photos of Patient 1 completed.
- 12 17) 9:08 AM- Patient 1 executed an invoice in the operating room for a  
13 total financial obligation of \$13,550. Patient 1's invoice included  
14 another \$400 for an additional 100 grafts, 100 grafts over the  
15 maximum number that Respondent recommended. Patient 1 was now  
16 obligated to pay for 2,900 grafts even though Respondent  
17 recommended a maximum of 2,800 grafts.
- 18 18) 9:10 AM Financial Collection completed-- Patient 1 paid a Bosley  
19 Medical Group employee \$4,000, in cash, and executed a financial  
20 obligation contract of \$8,550 through Healthcare Finance Direct, LLC.
- 21 19) 9:20 AM- Keflex 500 mg, prednisone 15 mg, and 2.5 mg valium  
22 given orally.
- 23 20) 9:50 AM- Local anesthesia completed- lidocaine and Marcaine were  
24 given.
- 25 21) 10:10 AM-Donor tissue (strip) removed and sutured.
- 26 22) 10:10-10:35 AM-Recipient Site incisions started & completed.<sup>9</sup>

27 <sup>7</sup> Patient 1 told the sales consultant that he, Patient 1, was taking Prozac and aspirin, daily.

28 <sup>8</sup> The medical consent was executed 10 minutes after Patient 1 met Respondent.

<sup>9</sup> 2300 surgical incisions were performed in 25 minutes.

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- 23) 11:00 AM- Graft placement by medical technicians was begun.
- 24) 1:30 PM- Local Anesthesia (Marcaine) is applied to recipient site.
- 25) 1:35-1:53 PM- Extra recipient site incisions started and completed.<sup>10</sup>
- 26) 2:30 PM-Local anesthesia (Marcaine) applied to donor site.
- 27) 4:26 PM- Graft placement is completed by medical technicians.
- 28) 4:40 PM- Keflex 250 mg and prednisone 15 mg given orally.
- 29) 4:45 PM- Patient released from procedure room.
- 30) Respondent's operative report contains the following entries: hair transplant to front, top, back; patient satisfied; and, donor tissue removed. Report contained the additional information that "Patient tolerated the procedure well without distress. Patient verbalized his understanding of all meds and post-op instruction. Stable for discharge per [Respondent]."

F. Post-Operative Time Line:

- 1) August 19, 2015, at 9:00 PM- Respondent documented that he called patient and patient reported "no problems." Patient 1, however, reported that he was experiencing pain and had only received 3 or 4 pain pills.<sup>11</sup>
- 2) August 21, 2015, Patient 1 did not present for "hair wash."
- 3) August 21, 2015-Patient called Respondent, complaining of pain and swelling.
- 4) September 22, 2015- A Bosley Medical Group employee telephoned Patient 1. Patient 1 did not answer. A message was left but Patient 1 did not return call.
- 5) September 27, 2015—Patient 1 emailed Respondent, complaining of pain, numbness, and no growth.
- 6) November 12, 2015-Respondent advised by his attorney that Patient 1

<sup>10</sup> 640 surgical excisions were performed in 18 minutes.  
<sup>11</sup> Respondent's records indicate that Patient 1 received 12 Vicodin tablets and three Ambien tablets.

failed to make timely payments to the financing company.

- 7) November 12, 2015-Respondent's attorney was contacted by Patient 1 with complaints of pain. Patient 1 advised to see Respondent.
- 8) December 9 through 17, 2015-several failed attempts by Patient 1 to see Respondent. On December 14, Respondent left a voicemail message for Patient 1. On December 15, 2015, Respondent spoke to Patient 1 by telephone. Respondent reassured Patient 1 that his issues would resolve.

G. The following acts and omissions, considered individually and collectively, constitute extreme departures from the standard of care.

- 1) Allowing Patient 1 only 10 minutes to give his informed consent.
- 2) Not having Patient 1 execute the financial agreements prior to surgery and outside the waiting room.
- 3) Performing 2,900 grafts after advising Patient 1 that the maximum number of grafts would be 2,800.
- 4) Having non-medical personnel, consultants and technicians diagnosing hair loss and recommending hair restoration surgery.
- 5) Having non-medical personnel insert hair follicles.
- 6) Performing surgery without performing a physical examination.

**SECOND CAUSE FOR DISCIPLINE**

**(Repeated Negligent Acts)**

9. Respondent David Paul Deutsch, M.D. is subject to disciplinary action under Business and Professions Code section 2234, subdivision (c), in that he committed repeated negligent acts during the care, treatment and management of patients, as follows:

A. Complainant refers to and, by this reference, incorporates herein paragraph 8, above, as though fully set forth.

B. The following acts and omissions constitute departures from the standard of care.

- 1) Allowing Patient 1 only 10 minutes to give his informed consent.
- 2) Not having Patient 1 execute the financial agreements prior to surgery and outside the waiting room.



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- 3) Performing 2,900 grafts after advising Patient 1 that the maximum number of grafts would be 2,800.
- 4) Having non-medical personnel, consultants and technicians, diagnosing hair loss and recommending hair restoration surgery.
- 5) Having non-medical personnel insert hair follicles.
- 6) Performing surgery without performing a physical examination.

**THIRD CAUSE FOR DISCIPLINE**

**(Aiding and Abetting the Unlicensed Practice of Medicine)**

10. Respondent David Paul Deutsch, M.D. is subject to disciplinary action under Business and Professions Code section 2264, in that he aided and abetted unlicensed individuals to engage in the practice of medicine, as follows:

- A. Complainant refers to and, by this reference, incorporates herein paragraph 8, above, as though fully set forth.

**FOURTH CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct)**

11. Respondent David Paul Deutsch, M.D. is subject to disciplinary action under Business and Professions Code section 2234, generally, in that he committed unprofessional conduct during the care, treatment and management of Patient 1, as follows:

- A. Complainant refers to and, by this reference, incorporates herein paragraph 8, above, as though fully set forth.


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PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number G 83289, issued to David Paul Deutsch, M.D.;
2. Revoking, suspending or denying approval of David Paul Deutsch, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering David Paul Deutsch, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and,
4. Taking such other and further action as deemed necessary and proper.

DATED: August 8, 2018

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

*Complainant*

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