

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

**In the Matter of the Accusation** )  
**Against:** )  
 )  
 )  
**Robert Alan Mott, M.D.** )  
 )  
**Physician's and Surgeon's** )  
**Certificate No. G 41724** )  
 )  
**Respondent** )  
\_\_\_\_\_ )

**Case No. 800-2018-046588**


**DECISION**

**The attached Stipulated Surrender of License and 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 26, 2019.**

**IT IS SO ORDERED December 19, 2019.**

**MEDICAL BOARD OF CALIFORNIA**

  
**Christine J. Lally**  
**Interim Executive Director**

1 XAVIER BECERRA  
Attorney General of California  
2 MARY CAIN-SIMON  
Supervising Deputy Attorney General  
3 GREG W. CHAMBERS  
Deputy Attorney General  
4 State Bar No. 237509  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
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*Attorneys for Complainant*  
7

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:  
12 **ROBERT ALAN MOTT, M.D.**  
13 **50 Scenic Drive**  
14 **Trinidad, California 95570**  
15 **Physician's and Surgeons Certificate No.**  
16 **G41724,**  
Respondent.

Case No. 800-2018-046588  
**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

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. Christine J. Lally (Complainant) is the Interim Executive Director of the Medical  
22 Board of California (Board). She brings this action solely in her official capacity and is  
23 represented in this matter by Xavier Becerra, Attorney General of the State of California, by Greg  
24 W. Chambers, Deputy Attorney General.

25 2. Robert Alan Mott, M.D. (Respondent) is representing himself in this proceeding and  
26 has chosen not to exercise his right to be represented by counsel.

27 3. On or about March 31, 1980, the Board issued Physician's and Surgeon's Certificate  
28 No. G 41724 to Respondent. The Physician's and Surgeon's Certificate was in full force and

1 effect at all times relevant to the charges brought in Accusation No. 800-2018-046588 and will  
2 expire on February 29, 2020, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 800-2018-046588 was filed before the Board, and is currently  
5 pending against Respondent. The Accusation and all other statutorily required documents were  
6 properly served on Respondent on November 4, 2019. Respondent timely filed his Notice of  
7 Defense contesting the Accusation. A copy of Accusation No. 800-2018-046588 is attached as  
8 Exhibit A and incorporated by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, and understands the charges and allegations in  
11 Accusation No. 800-2018-046588. Respondent also has carefully read, and understands the  
12 effects of this Stipulated Surrender of License and Order.

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

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

22 **CULPABILITY**

23 8. Respondent understands that the charges and allegations in Accusation No. 800-2018-  
24 046588, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and  
25 Surgeon's Certificate, No. G 41724.

26 9. For the purpose of resolving the Accusation without the expense and uncertainty of  
27 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
28 basis for the charges in the Accusation and that those charges constitute cause for discipline.

1 Respondent hereby gives up his right to contest that cause for discipline exists based on those  
2 charges.

3 10. Respondent understands that by signing this stipulation he enables the Board to issue  
4 an order accepting the surrender of his Physician's and Surgeon's Certificate without further  
5 process.

6 **CONTINGENCY**

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

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

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

21 **ORDER**

22 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 41724, issued  
23 to Respondent Robert Alan Mott, M.D., is surrendered and accepted by the Board.

24 1. The surrender of Respondent's Physician's and Surgeon's Certificate No. G 41724 and  
25 the acceptance of the surrendered license by the Board shall constitute the imposition of  
26 discipline against Respondent. This stipulation constitutes a record of the discipline and shall  
27 become a part of Respondent's license history with the Board.

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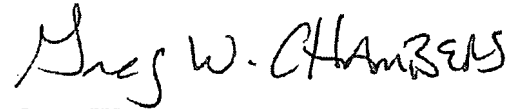
**ENDORSEMENT**

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

DATED: 12/13/2019

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
MARY CAIN-SIMON  
Supervising Deputy Attorney General



GREG W. CHAMBERS  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 800-2018-046588**

1 XAVIER BECERRA  
Attorney General of California  
2 MARY CAIN-SIMON  
Supervising Deputy Attorney General  
3 GREG W. CHAMBERS  
Deputy Attorney General  
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*Attorneys for Complainant*  
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FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO Nov. 4 20 19  
BY A. GERRA ANALYST

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

12 In the Matter of the Accusation Against:

Case No. 800-2018-046588

13 **ROBERT ALAN MOTT, M.D.**  
14 **50 Scenic Drive**  
**Trinidad, California 95570**

**ACCUSATION**

15 **Physician's and Surgeons Certificate No.**  
16 **G41724,**

17 Respondent.

18  
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 March 31, 1980, the Board issued Physician's and Surgeon's Certificate  
24 No. G 41724 to Respondent. The Physician's and Surgeon's Certificate was in full force and  
25 effect at all times relevant to the charges brought in Accusation No. 800-2018-046588 and will  
26 expire on February 29, 2020, unless renewed.

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 2004 of the Code states:

6 "The board shall have the responsibility for the following:

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

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

10 "(c) Carrying out disciplinary actions appropriate to findings made by a panel or an  
11 administrative law judge.

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

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

16 "(f) Approving undergraduate and graduate medical education programs.

17 "(g) Approving clinical clerkship and special programs and hospitals for the programs in  
18 subdivision (f).

19 "(h) Issuing licenses and certificates under the board's jurisdiction.

20 "(i) Administering the board's continuing medical education program."

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

25 6. Section 2234 of the Code states, in part:

26 "The board shall take action against any licensee who is charged with unprofessional  
27 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not  
28 limited to, the following:



1 system depressants or psychotropic drugs may be additive, appropriate caution should be  
2 exercised with patients who take more than one of these agents simultaneously. Carisoprodol is  
3 metabolized in the liver and excreted by the kidneys; to avoid its excess accumulation, caution  
4 should be exercised in administration to patients with compromised liver or kidney functions.

5 11. **Oxycodone** with acetaminophen and oxycodone with aspirin both contain  
6 oxycodone, a white odorless crystalline powder derived from the opium alkaloid, thebaine.  
7 Oxycodone is a semisynthetic narcotic analgesic with multiple actions qualitatively similar to  
8 those of morphine. It is a dangerous drug as defined in section 4022 and a schedule II controlled  
9 substance and narcotic as defined by section 11055, subdivision (b)(1) of the Health and Safety  
10 Code. Oxycodone can produce drug dependence of the morphine type and, therefore, has the  
11 potential for being abused.

12 **FIRST CAUSE FOR DISCIPLINE**

13 (Unprofessional Conduct: Gross Negligence, Repeated Negligent Acts; and/or Excessive  
14 Prescribing Without an Appropriate Medical Examination/Medical Indication; and/or Inadequate  
15 Medical Record Keeping in the care provided to Patient #1)

15 12. Respondent Robert Alan Mott, M.D. is subject to disciplinary action under sections  
16 2234, and/or 2234(b), and/or 2234(c); and/or 2266 of the Code in that Respondent committed  
17 unprofessional conduct amounting to gross negligence, and/or repeated negligent acts, in the care  
18 and treatment of Patient #1,<sup>1</sup> and/or excessively dispensed dangerous drugs without medical  
19 indication, and/or failed to maintain adequate and accurate records for Patient #1. The  
20 circumstances are as follows:

21 13. On or about January 30, 2019, Respondent prescribed to Patient #1, Ambien, 10 mg.,  
22 #30, without examination and without maintaining accurate and adequate records regarding the  
23 prescribing.

24 14. On or about February 4, 2019, Respondent prescribed Patient #1, Oxycodone, 10  
25 mg./325mg., #90, without examination and without maintaining accurate and adequate records  
26 regarding the prescribing.

27 <sup>1</sup> The patient is identified herein as Patient #1 to preserve confidentiality. The name of  
28 this patient and all other persons referenced in the Accusation will be provided to Respondent in  
discovery.

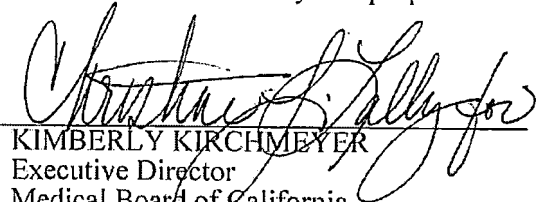




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2. Revoking, suspending or denying approval of Robert Alan Mott, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Robert Alan Mott, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: November 4, 2019

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