

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

**In the Matter of the First Amended  
Accusation Against:** )  
)  
)  
)  
**Jay Amin, M.D.** )  
)  
**Physician's and Surgeon's  
Certificate No. A 40490** )  
)  
**Respondent** )  
\_\_\_\_\_ )

**Case No. 800-2016-023665**

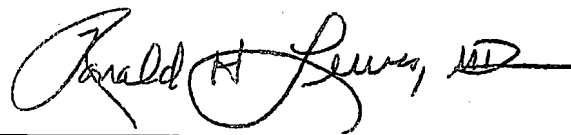
**DECISION**

**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 May 6, 2020.**

**IT IS SO ORDERED: April 6, 2020.**

**MEDICAL BOARD OF CALIFORNIA**



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

1 XAVIER BECERRA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 KAROLYN M. WESTFALL  
Deputy Attorney General  
4 State Bar No. 234540  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
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8 *Attorneys for Complainant*

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

12 In the Matter of the First Amended Accusation  
13 Against:  
14 **Jay Amin, M.D.**  
**6027 E. West View Drive**  
15 **Orange, CA 92869.**  
16 **Physician's and Surgeon's Certificate**  
**No. A 40490,**  
17  
18 Respondent.

Case No. 800-2016-023665  
OAH No. 2019090390

19 **STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

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

22 **PARTIES**

23 1. This action was brought by Complainant Kimberly Kirchmeyer in her official  
24 capacity as the then Executive Director of the Medical Board of California (Board). Kimberly  
25 Kirchmeyer became the Director of the Department of Consumer Affairs on October 28, 2019.  
26 On that date, Christine J. Lally became the Interim Executive Director of the Board, and the  
27 Complainant in this action. She is represented in this matter by Xavier Becerra, Attorney General  
of the State of California, by Karolyn M. Westfall, Deputy Attorney General.

28 ///

2. Respondent Jay Amin, M.D. (Respondent) is represented in this proceeding by  
Raymond J. McMahon, Esq., of Doyle Schafer McMahon, whose address is 5440 Trabuco Road,  
Irvine, California 92620.

3. On or about October 24, 1983, the Board issued Physician's and Surgeon's Certificate  
No. A 40490 to Jay Amin, M.D. (Respondent). The Physician's and Surgeon's Certificate was in  
full force and effect at all times relevant to the charges brought in First Amended Accusation No.  
800-2016-023665, and will expire on December 31, 2020, unless renewed.

#### JURISDICTION

4. First Amended Accusation No. 800-2016-023665 was filed before the Board, and is  
currently pending against Respondent. The First Amended Accusation and all other statutorily  
required documents were properly served on Respondent on August 12, 2019. Respondent timely  
filed his Notice of Defense contesting the First Amended Accusation. A true and correct copy of  
First Amended Accusation No. 800-2016-023665 is attached hereto as Exhibit A and is  
incorporated by reference as if fully set forth herein.

#### ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the  
charges and allegations in First Amended Accusation No. 800-2016-023665. Respondent has  
also carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
Settlement and Disciplinary Order.

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

7. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently  
waives and gives up each and every right set forth above.

1 **CULPABILITY**

2 8. Respondent does not contest that, at an administrative hearing, Complainant could  
3 establish a *prima facie* case with respect to the charges and allegations contained in First  
4 Amended Accusation No. 800-2016-023665, and agrees that he has thereby subjected his  
5 Physician's and Surgeon's Certificate No. A 40490 to disciplinary action.

6 9. Respondent further agrees that if he ever petitions for modification or early  
7 termination of probation, or if an accusation and/or petition to revoke probation is filed against  
8 him before the Medical Board of California, all of the charges and allegations contained in First  
9 Amended Accusation No. 800-2016-023665, shall be deemed true, correct, and fully admitted by  
10 Respondent for purposes of any such proceeding or any other licensing proceeding involving  
11 Respondent in the State of California.

12 10. Respondent agrees that his Physician's and Surgeon's Certificate No. A 40490 is  
13 subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth  
14 in the Disciplinary Order below.

15 **CONTINGENCY**

16 11. This Stipulated Settlement and Disciplinary Order shall be subject to approval of the  
17 Board. The parties agree that this Stipulated Settlement and Disciplinary Order shall be  
18 submitted to the Board for its consideration in the above-entitled matter and, further, that the  
19 Board shall have a reasonable period of time in which to consider and act on this Stipulated  
20 Settlement and Disciplinary Order after receiving it. By signing this stipulation, Respondent fully  
21 understands and agrees that he may not withdraw his agreement or seek to rescind this stipulation  
22 prior to the time the Board considers and acts upon it.

23 12. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null  
24 and void and not binding upon the parties unless approved and adopted by the Board, except for  
25 this paragraph, which shall remain in full force and effect. Respondent fully understands and  
26 agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and  
27 Disciplinary Order, the Board may receive oral and written communications from its staff and/or  
28 the Attorney General's office. Communications pursuant to this paragraph shall not disqualify

1 the Board, any member thereof, and/or any other person from future participation in this or any  
2 other matter affecting or involving Respondent. In the event that the Board, in its discretion, does  
3 not approve and adopt this Stipulated Settlement and Disciplinary Order, with the exception of  
4 this paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and  
5 shall not be relied upon or introduced in any disciplinary action by either party hereto.

6 Respondent further agrees that should the Board reject this Stipulated Settlement and Disciplinary  
7 Order for any reason, Respondent will assert no claim that the Board, or any member thereof, was  
8 prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Settlement and  
9 Disciplinary Order or of any matter or matters related hereto.

10 **ADDITIONAL PROVISIONS**

11 13. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to  
12 be an integrated writing representing the complete, final and exclusive embodiment of the  
13 agreements of the parties in the above-entitled matter.

14 14. The parties agree that copies of this Stipulated Settlement and Disciplinary Order,  
15 including copies of the signatures of the parties, may be used in lieu of original documents and  
16 signatures and, further, that such copies and signatures shall have the same force and effect as  
17 originals.

18 15. In consideration of the foregoing admissions and stipulations, the parties agree the  
19 Board may, without further notice to or opportunity to be heard by Respondent, issue and enter  
20 the following Disciplinary Order:

21 **DISCIPLINARY ORDER**

22 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 40490 issued  
23 to Respondent Jay Amin, M.D., is revoked. However, the revocation is stayed and Respondent is  
24 placed on probation for four (4) years from the date of the Decision on the following terms and  
25 conditions.

26 1. **CONTROLLED SUBSTANCES - MAINTAIN RECORDS AND ACCESS TO**  
27 **RECORDS AND INVENTORIES.** Respondent shall maintain a record of all controlled  
28 substances ordered, prescribed, dispensed, administered, or possessed by Respondent, and any

1 recommendation or approval which enables a patient or patient's primary caregiver to possess or  
2 cultivate marijuana for the personal medical purposes of the patient within the meaning of Health  
3 and Safety Code section 11362.5, during probation, showing all of the following: 1) the name and  
4 address of the patient; 2) the date; 3) the character and quantity of controlled substances involved;  
5 and 4) the indications and diagnosis for which the controlled substances were furnished.

6 Respondent shall keep these records in a separate file or ledger, in chronological order. All  
7 records and any inventories of controlled substances shall be available for immediate inspection  
8 and copying on the premises by the Board or its designee at all times during business hours and  
9 shall be retained for the entire term of probation.

10 2. EDUCATION COURSE. Within 60 calendar days of the effective date of this  
11 Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee  
12 for its prior approval educational program(s) or course(s) which shall not be less than 40 hours  
13 per year, for each year of probation, comprised of twenty (20) hours in the area of Mandated  
14 Reporting Requirements and twenty (20) hours in the area of Patient Confidentiality. The  
15 educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to  
16 the Continuing Medical Education (CME) requirements for renewal of licensure. Following the  
17 completion of each course, the Board or its designee may administer an examination to test  
18 Respondent's knowledge of the course. Respondent shall provide proof of attendance for 65  
19 hours of CME of which 40 hours were in satisfaction of this condition.

20 3. PRESCRIBING PRACTICES COURSE. Within 60 calendar days of the effective  
21 date of this Decision, Respondent shall enroll in a course in prescribing practices approved in  
22 advance by the Board or its designee. Respondent shall provide the approved course provider  
23 with any information and documents that the approved course provider may deem pertinent.  
24 Respondent shall participate in and successfully complete the classroom component of the course  
25 not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully  
26 complete any other component of the course within one (1) year of enrollment. The prescribing  
27 practices course shall be at Respondent's expense and shall be in addition to the Continuing  
28 Medical Education (CME) requirements for renewal of licensure.

1 A prescribing practices course taken after the acts that gave rise to the charges in the  
2 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
3 or its designee, be accepted towards the fulfillment of this condition if the course would have  
4 been approved by the Board or its designee had the course been taken after the effective date of  
5 this Decision.

6 Respondent shall submit a certification of successful completion to the Board or its  
7 designee not later than 15 calendar days after successfully completing the course, or not later than  
8 15 calendar days after the effective date of the Decision, whichever is later.

9 4. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective  
10 date of this Decision, Respondent shall enroll in a course in medical record keeping approved in  
11 advance by the Board or its designee. Respondent shall provide the approved course provider  
12 with any information and documents that the approved course provider may deem pertinent.  
13 Respondent shall participate in and successfully complete the classroom component of the course  
14 not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully  
15 complete any other component of the course within one (1) year of enrollment. The medical  
16 record keeping course shall be at Respondent's expense and shall be in addition to the Continuing  
17 Medical Education (CME) requirements for renewal of licensure.

18 A medical record keeping course taken after the acts that gave rise to the charges in the  
19 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
20 or its designee, be accepted towards the fulfillment of this condition if the course would have  
21 been approved by the Board or its designee had the course been taken after the effective date of  
22 this Decision.

23 Respondent shall submit a certification of successful completion to the Board or its  
24 designee not later than 15 calendar days after successfully completing the course, or not later than  
25 15 calendar days after the effective date of the Decision, whichever is later.

26 5. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of  
27 the effective date of this Decision, Respondent shall enroll in a professionalism program, that  
28 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.

1 Respondent shall participate in and successfully complete that program. Respondent shall  
2 provide any information and documents that the program may deem pertinent. Respondent shall  
3 successfully complete the classroom component of the program not later than six (6) months after  
4 Respondent's initial enrollment, and the longitudinal component of the program not later than the  
5 time specified by the program, but no later than one (1) year after attending the classroom  
6 component. The professionalism program shall be at Respondent's expense and shall be in  
7 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

8 A professionalism program taken after the acts that gave rise to the charges in the  
9 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
10 or its designee, be accepted towards the fulfillment of this condition if the program would have  
11 been approved by the Board or its designee had the program been taken after the effective date of  
12 this Decision.

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

16 6. MONITORING - PRACTICE. Within 30 calendar days of the effective date of this  
17 Decision, Respondent shall submit to the Board or its designee for prior approval as a practice  
18 monitor, the name and qualifications of one or more licensed physicians and surgeons whose  
19 licenses are valid and in good standing, and who are preferably American Board of Medical  
20 Specialties (ABMS) certified. A monitor shall have no prior or current business or personal  
21 relationship with Respondent, or other relationship that could reasonably be expected to  
22 compromise the ability of the monitor to render fair and unbiased reports to the Board, including  
23 but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree  
24 to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

25 The Board or its designee shall provide the approved monitor with copies of the Decision  
26 and First Amended Accusation, and a proposed monitoring plan. Within 15 calendar days of  
27 receipt of the Decision, First Amended Accusation, and proposed monitoring plan, the monitor  
28 shall submit a signed statement that the monitor has read the Decision and First Amended



1 Accusation, fully understands the role of a monitor, and agrees or disagrees with the proposed  
2 monitoring plan. If the monitor disagrees with the proposed monitoring plan, the monitor shall  
3 submit a revised monitoring plan with the signed statement for approval by the Board or its  
4 designee.

5 Within 60 calendar days of the effective date of this Decision, and continuing throughout  
6 probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall  
7 make all records available for immediate inspection and copying on the premises by the monitor  
8 at all times during business hours and shall retain the records for the entire term of probation.

9 If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective  
10 date of this Decision, Respondent shall receive a notification from the Board or its designee to  
11 cease the practice of medicine within three (3) calendar days after being so notified. Respondent  
12 shall cease the practice of medicine until a monitor is approved to provide monitoring  
13 responsibility.

14 The monitor(s) shall submit a quarterly written report to the Board or its designee which  
15 includes an evaluation of Respondent's performance, indicating whether Respondent's practices  
16 are within the standards of practice of medicine, and whether Respondent is practicing medicine  
17 safely. It shall be the sole responsibility of Respondent to ensure that the monitor submits the  
18 quarterly written reports to the Board or its designee within 10 calendar days after the end of the  
19 preceding quarter.

20 If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of  
21 such resignation or unavailability, submit to the Board or its designee, for prior approval, the  
22 name and qualifications of a replacement monitor who will be assuming that responsibility within  
23 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60  
24 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a  
25 notification from the Board or its designee to cease the practice of medicine within three (3)  
26 calendar days after being so notified. Respondent shall cease the practice of medicine until a  
27 replacement monitor is approved and assumes monitoring responsibility.

28 In lieu of a monitor, Respondent may participate in a professional enhancement program

1 approved in advance by the Board or its designee that includes, at minimum, quarterly chart  
2 review, semi-annual practice assessment, and semi-annual review of professional growth and  
3 education. Respondent shall participate in the professional enhancement program at Respondent's  
4 expense during the term of probation.

5 7. PROHIBITED PRACTICE. During probation, Respondent is prohibited from  
6 providing treatment for chronic pain. After the effective date of this Decision, all patients seeking  
7 chronic pain management from Respondent shall be notified that Respondent is prohibited from  
8 providing treatment for chronic pain. Any new patients seeking chronic pain treatment must be  
9 provided this notification at the time of their initial appointment.

10 Respondent shall maintain a log of all patients to whom the required oral notification was  
11 made. The log shall contain the: 1) patient's name, address and phone number; 2) patient's  
12 medical record number, if available; 3) the full name of the person making the notification; 4) the  
13 date the notification was made; and 5) a description of the notification given. Respondent shall  
14 keep this log in a separate file or ledger, in chronological order, shall make the log available for  
15 immediate inspection and copying on the premises at all times during business hours by the Board  
16 or its designee, and shall retain the log for the entire term of probation.

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

25 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

26 9. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE  
27 NURSES. During probation, Respondent is prohibited from supervising physician assistants and  
28 advanced practice nurses.

1           10. OBEY 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           11. 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           12. 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 13. 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 14. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
8 its designee in writing within 15 calendar days of any periods of non-practice lasting more than  
9 30 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.

28 Periods of non-practice for a Respondent residing outside of California will relieve

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

5 15. 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 16. 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 17. LICENSE SURRENDER. Following the effective date of this Decision, if  
17 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy  
18 the terms and conditions of probation, Respondent may request to surrender his or her license.  
19 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in  
20 determining whether or not to grant the request, or to take any other action deemed appropriate  
21 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
22 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its  
23 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject  
24 to the terms and conditions of probation. If Respondent re-applies for a medical license, the  
25 application shall be treated as a petition for reinstatement of a revoked certificate.

26 18. PROBATION MONITORING COSTS. Respondent shall pay the costs associated  
27 with probation monitoring each 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

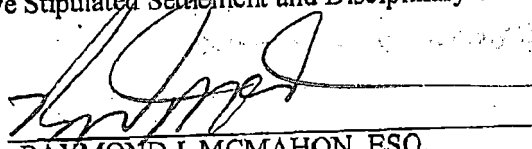
1 delivered to the Board or its designee no later than January 31 of each calendar year.

2 **ACCEPTANCE**

3 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
4 discussed it with my attorney, Raymond J. McMahon, Esq. I understand the stipulation and the  
5 effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated  
6 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
7 bound by the Decision and Order of the Medical Board of California.

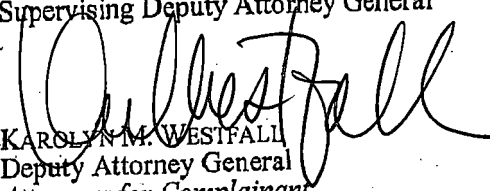
8  
9 DATED: 3/2/20   
10 JAY AMIN, M.D.  
Respondent

11 I have read and fully discussed with Respondent, Jay Amin, M.D., the terms and conditions  
12 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve  
13 its form and content.

14 DATED: 3/2/2020   
15 RAYMOND J. MCMAHON, ESQ.  
Attorney for Respondent

17 **ENDORSEMENT**

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

20 DATED: 3/2/20 Respectfully submitted,  
21 XAVIER BECERRA  
Attorney General of California  
22 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
23   
24 KAROLYN M. WESTFALL  
25 Deputy Attorney General  
Attorneys for Complainant

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Facsimile: (619) 645-2061

*Attorneys for Complainant*

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
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In the Matter of the First Amended Accusation  
Against:  
  
**Jay Amin, M.D.**  
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**Physician's and Surgeon's Certificate**  
**No. A 40490,**  
  
Respondent.

Case No. 800-2016-023665  
**FIRST AMENDED ACCUSATION**

**PARTIES**

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

2. On or about October 24, 1983, the Board issued Physician's and Surgeon's Certificate No. A40490 to Jay Amin, M.D. (Respondent). The Physician's and Surgeon's Certificate was, in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2020, unless renewed.

///

**FILED**  
**STATE OF CALIFORNIA**  
**MEDICAL BOARD OF CALIFORNIA**  
**SACRAMENTO** *AUGUST 6 20 19*  
**BY** *ANDREA PERIN* **ANALYST**

1 JURISDICTION

2 3. This First Amended Accusation, which supersedes the Accusation filed on May 30,  
3 2019, is brought before the Board, under the authority of the following laws. All section  
4 references are to the Business and Professions Code (Code) unless otherwise indicated.

5 4. Section 2227 of the Code states, in pertinent part:

6 (a) A licensee whose matter has been heard by an administrative law judge of  
7 the Medical Quality Hearing Panel as designated in Section 11371 of the Government  
8 Code, or whose default has been entered, and who is found guilty, or who has entered  
9 into a stipulation for disciplinary action with the board, may, in accordance with the  
10 provisions of this chapter:

11 (1) Have his or her license revoked upon order of the board.

12 (2) Have his or her right to practice suspended for a period not to exceed one  
13 year upon order of the board.

14 (3) Be placed on probation and be required to pay the costs of probation  
15 monitoring upon order of the board.

16 (4) Be publicly reprimanded by the board. The public reprimand may include a  
17 requirement that the licensee complete relevant educational courses approved by the  
18 board.

19 (5) Have any other action taken in relation to discipline as part of an order of  
20 probation, as the board or an administrative law judge may deem proper.

21 ...  
22 5. Section 2234 of the Code, states, in pertinent part:

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

26 (b) Gross negligence.

27 (c) Repeated negligent acts. To be repeated, there must be two or more  
28 negligent acts or omissions. An initial negligent act or omission followed by a  
separate and distinct departure from the applicable standard of care shall constitute  
repeated negligent acts.

29 ...  
30 6. Section 2238 of the Code states:

A violation of any federal statute or federal regulation or any of the statutes or  
regulations of this state regulating dangerous drugs or controlled substances  
constitutes unprofessional conduct.



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7. Section 2242 of the Code states, in pertinent part:

(a) Prescribing, dispensing, or furnishing dangerous drugs as defined in Section 4022 without an appropriate prior examination and a medical indication, constitutes unprofessional conduct.

...

8. Section 2263 of the Code states: The willful, unauthorized violation of professional confidence constitutes unprofessional conduct.

9. Section 2266 of the Code states: The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct.

10. Section 4021 of the Code states: 'Controlled substance' means any substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

11. Section 4022 of the Code states in pertinent part:

'Dangerous drug' or 'dangerous device' means any drug or device unsafe for self-use in humans or animals, and includes the following:

(a) Any drug that bears the legend: 'Caution: federal law prohibits dispensing without prescription,' 'Rx only,' or words of similar import.

...

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

...

12. Section 4081 of the Code states, in pertinent part:

(a) All records of manufacture and of sale, acquisition, receipt, shipment, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every ... physician...who maintains a stock of dangerous drugs or dangerous devices.

...

13. Section 4105 of the Code states, in pertinent part:

(a) All records or other documentation of the acquisition and disposition of dangerous drugs and dangerous devices by any entity licensed by the board shall be retained on the licensed premises in a readily retrievable form.

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(b) The licensee may remove the original records or documentation from the licensed premises on a temporary basis for license-related purposes. However, a duplicate set of those records or other documentation shall be retained on the licensed premises.

(c) The records required by this section shall be retained on the licensed premises for a period of three years from the date of making.

...

14. Section 4170 of the Code states, in pertinent part:

(a) No prescriber shall dispense drugs or dangerous devices to patients in his or her office or place of practice unless all of the following conditions are met:

...

(4) The prescriber fulfills all of the labeling requirements imposed upon pharmacists by Section 4076, all of the recordkeeping requirements of this chapter, and all of the packaging requirements of good pharmaceutical practice, including the use of childproof containers.

...

15. Section 11165.7 of the Penal Code states, in pertinent part,

(a) As used in this article, "mandated reporter" is defined as any of the following:

...

(21) A physician and surgeon...

...

16. Section 11165.9 of the Penal Code states, in pertinent part:

Reports of suspected child abuse or neglect shall be made by mandated reporters, or in the case of reports pursuant to Section 11166.05, may be made, to any police department or sheriff's department, not including a school district police or security department, county probation department, if designated by the county to receive mandated reports, or the county welfare department...

17. Section 11166 of the Penal Code states, in pertinent part,

(a) Except as provided in subdivision (d), and in Section 11166.05, a mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make an initial report by telephone to the agency immediately or as soon as is practicably possible, and shall prepare and send, fax, or electronically transmit a written followup report within 36 hours of receiving the information concerning the incident. The mandated reporter may include with the report any

1 nonprivileged documentary evidence the mandated reporter possesses relating to the  
2 incident.

3 (1) For purposes of this article, "reasonable suspicion" means that it is  
4 objectively reasonable for a person to entertain a suspicion, based upon facts that  
5 could cause a reasonable person in a like position, drawing, when appropriate, on his  
6 or her training and experience, to suspect child abuse or neglect. "Reasonable  
7 suspicion" does not require certainty that child abuse or neglect has occurred nor does  
8 it require a specific medical indication of child abuse or neglect; any "reasonable  
9 suspicion" is sufficient. For purposes of this article, the pregnancy of a minor does  
10 not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.

11 ...  
12 (c) A mandated reporter who fails to report an incident of known or reasonably  
13 suspected child abuse or neglect as required by this section is guilty of a misdemeanor  
14 punishable by up to six months confinement in a county jail or by a fine of one  
15 thousand dollars (\$1,000) or by both that imprisonment and fine. If a mandated  
16 reporter intentionally conceals his or her failure to report an incident known by the  
17 mandated reporter to be abuse or severe neglect under this section, the failure to  
18 report is a continuing offense until an agency specified in Section 11165.9 discovers  
19 the offense.

20 ...  
21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Gross Negligence)**

23 18. Respondent has subjected his Physician's and Surgeon's Certificate No. A40490 to  
24 disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of  
25 the Code, in that he was grossly negligent in his care and treatment of Patients A, B, and C,<sup>1</sup> as  
26 more particularly alleged hereinafter:

27 19. Respondent is Board Certified in Internal Medicine. For approximately twenty-five  
28 (25) years, he owned a private practice clinic called, Tustin Place Medical Group. Respondent  
maintained a locked cabinet at this practice containing medications he dispensed to patients,  
including controlled substances. In or around January 2019, Respondent sold Tustin Place  
Medical Group to another practitioner.

20 20. On or about March 6, 2017, investigators from the Division of Investigations  
21 conducted an unannounced inspection at Tustin Place Medical Group. During that inspection,  
22 Respondent showed the investigators a cabinet fitted with a combination lock that contained

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28 <sup>1</sup> To protect the privacy of the patients involved, patient names have not been included in this  
pleading. Respondent is aware of the identity of the patients referred to herein.

1 various medications including, but not limited to, Atenolol, Carisprodol,<sup>2</sup> Toradol,<sup>3</sup> and Botox.<sup>4</sup>  
2 When asked to produce his medication log, Respondent indicated that the log was “missing,” and  
3 claimed he had not dispensed medications directly to patients “in a while.”

4 **PATIENT A**

5 21. Sometime prior to January 14, 2014, Patient A and her husband, Patient D, were  
6 experiencing marital issues, and a friend referred them to Respondent for marriage counseling.

7 22. On or about January 14, 2014, Patients A and D presented to Respondent at Tustin  
8 Place Medical Group for treatment.<sup>5</sup> At this first visit, Respondent met with both parties and  
9 discussed their marital issues. Respondent obtained Patient A’s vital signs and a brief medical  
10 history, and diagnosed her with obesity. Patient A’s chart note for this clinical encounter does not  
11 reference the fact that the couple were seen together for marriage counseling, and contains no  
12 review of systems, detailed physical examination, or assessment/plan. Respondent did not  
13 prepare any chart notes for Patient D for this clinical encounter.

14 23. On or about January 21, 2014, Patient A and Patient D returned to see Respondent for  
15 marriage counseling. At this second visit, Respondent met with both parties and discussed their  
16 marital issues. Patient A’s chart note for this visit identifies the reason for the appointment to be  
17 “walk-in.” The documented treatment rendered was, “If you think you are stressed out, you can  
18 take Seroquel<sup>6</sup> at night. Do not discuss sensitive things. They are in the past. It will not help to  
19 discuss it now. Work on maximizing happiness at each moment. Most important thing is to take

20 <sup>2</sup> Carisprodol (brand name Soma), is a muscle relaxant medication, a Schedule IV controlled  
21 substance pursuant to Health and Safety Code section 11057, subdivision (d), and a dangerous drug  
pursuant to Business and Professions Code section 4022.

22 <sup>3</sup> Toradol (brand name for Ketorolac), is a nonsteroidal anti-inflammatory drug used for the  
23 treatment of pain, and is a dangerous drug pursuant to Business and Professions Code section 4022.

24 <sup>4</sup> Botox (Botulinum Toxin Type-A) is a purified protein produced by Clostridium botulinum  
25 bacterium, used to treat frown lines and wrinkles, and is a dangerous drug pursuant to Business and  
Professions Code section 4022.

26 <sup>5</sup> At his subject interview, Respondent referred to this visit as a “curbside consult,” but admitted to  
charging the couple for his services.

27 <sup>6</sup> Seroquel (brand name for Quetiapine) is an antipsychotic medication used to treat schizophrenia,  
28 bipolar, and depression, and is a dangerous drug pursuant to Business and Professions Code section 4022.

1 care of the child.” During this visit, Respondent prescribed Patient A with sixty (60) tabs of  
2 Atenolol,<sup>7</sup> but did not document the clinical reason for this medication, the dosage prescribed, or  
3 administration instruction. Patient A’s chart note for this clinical encounter does not reference the  
4 fact that the couple were seen together for marriage counseling, and contains no vital signs,  
5 review of systems, physical examination, or assessment/plan. Respondent did not prepare any  
6 chart notes for Patient D for this clinical encounter.

7 24. On or about April 9, 2014, Patient A and Patient D returned to see Respondent for  
8 marriage counseling. At this third and final visit, Respondent met with both parties and discussed  
9 their marital issues. Patient A’s chart note for this visit identifies the reason for the appointment  
10 to be “walk-in.” Respondent obtained Patient A’s vital signs, identified her history of present  
11 illness to be “back pain for 2 months,” and diagnosed her with obesity. Patient A’s chart note for  
12 this clinical encounter does not reference the fact that the couple were seen together for marriage  
13 counseling, and contains no review of systems, detailed physical examination, or assessment/plan.  
14 Respondent did not prepare any chart notes for Patient D for this clinical encounter.

15 25. Sometime between on or about January 14, 2014, and on or about July 1, 2014,  
16 Patient D met with Respondent alone, and informed him that Patient A abused their young child.  
17 Respondent did not document this discussion in Patient A’s chart, and did not report this alleged  
18 abuse to law enforcement or child welfare services at any time.

19 26. On or about July 14, 2014, in the Superior Court of San Bernardino County, Patient D  
20 separated from Patient A and petitioned for physical and legal custody of their child. In support  
21 of his Petition, Patient D filed a declaration signed by Respondent under penalty of perjury. In  
22 this declaration, Respondent indicated that he examined and treated Patient A, observed severe  
23 anger issues, diagnosed her with severe bipolar syndrome, prescribed her “Seracol,” and believed  
24 she was in need of further treatment. Respondent further declared that Patient A was non-  
25 compliant with his recommended treatment and opined that her medical condition created a risk  
26 ///

27 \_\_\_\_\_  
28 <sup>7</sup> Atenolol (brand name Tenormin) is a beta blocker medication used to treat high blood pressure  
and chest pain, and is a dangerous drug pursuant to Business and Professions Code section 4022.

1 of injury to the child. Respondent did not obtain consent from Patient A to release her personal  
2 medical information prior to signing this declaration.

3 **PATIENT B**

4 27. On or about February 2, 2011,<sup>8</sup> Patient B, a then seventeen (17) year old female,  
5 presented to Respondent with complaints of pain and trouble sleeping after experiencing a fall  
6 while ice skating. Respondent performed a physical examination and diagnosed the patient with,  
7 among other things, lumbar sprain and strain. At the conclusion of the visit, Respondent  
8 prescribed Patient B Hydrocodone-APAP<sup>9</sup> for her pain.

9 28. Between in or around February 2011, and in or around June 2014, Respondent  
10 provided pharmacologic treatment for Patient B's persistent back pain, which included but was  
11 not limited to, Hydrocodone, Vicodin, Norco, Tramadol,<sup>10</sup> Gabapentin,<sup>11</sup> Percocet, Roxicet,<sup>12</sup> and  
12 Oxycontin.<sup>13</sup> In addition, Respondent diagnosed Patient B with major depressive disorder and  
13 provided her pharmacologic treatment that included, but was not limited to, Lexapro.<sup>14</sup>

14 \_\_\_\_\_  
15 <sup>8</sup> Conduct occurring more than seven years before the filing of this Accusation is for informational  
16 purposes only and is not alleged as a basis for disciplinary action. (Bus. & Prof. Code, § 2230.5.)

17 <sup>9</sup> Hydrocodone-APAP (brand names Vicodin, Lortab, Norco) is a Schedule III controlled  
18 substance pursuant to Health and Safety Code section 11056, subdivision (e), and a dangerous drug  
19 pursuant to Business and Professions Code section 4022. It is a combination medication used to treat pain  
20 that contains an opioid (hydrocodone) and a non-opioid (acetaminophen).

21 <sup>10</sup> Tramadol (brand name Ultram) is a Schedule IV controlled substance pursuant to Health and  
22 Safety Code section 11057, and a dangerous drug pursuant to Business and Professions Code section 4022.  
23 It is an opioid medication used to treat pain.

24 <sup>11</sup> Gabapentin is a dangerous drug pursuant to Business and Professions Code section 4022. It is  
25 an anticonvulsant medication used to treat pain.

26 <sup>12</sup> Roxicet / Percocet (brand names for oxycodone/acetaminophen) is a Schedule II controlled  
27 substance pursuant to Health and Safety Code section 11055, subdivision (b), and a dangerous drug  
28 pursuant to Business and Professions Code section 4022. It is a combination medication used to treat pain  
that contains an opioid (oxycodone) and a non-opioid (acetaminophen).

<sup>13</sup> Oxycontin (brand name for oxycodone) is a Schedule II controlled substance pursuant to Health  
and Safety Code section 11055, subdivision (b), and a dangerous drug pursuant to Business and  
Professions Code section 4022.

<sup>14</sup> Lexapro (brand name for escitalopram) is a dangerous drug pursuant to Business and  
Professions Code section 4022. It is a selective serotonin reuptake inhibitor used to treat depression and  
generalized anxiety disorder.

1           29. On or about June 2, 2014, Patient B presented to Respondent approximately two  
2 weeks after having back surgery. The patient had been prescribed Dilaudid<sup>15</sup> 4mg and MS Contin  
3 30mg, but complained of continued pain. At the conclusion of the visit, Respondent prescribed  
4 the patient Fentanyl,<sup>16</sup> increased her MS Contin<sup>17</sup> dose, and discontinued Dilaudid. The patient's  
5 chart does not indicate the amount or strength of the medications Respondent prescribed the  
6 patient on that date.

7           30. On or about June 9, 2014, Patient B presented to Respondent for a follow-up  
8 appointment with complaints of back pain, sore throat, and cough. At that visit, Respondent  
9 advised the patient to increase her Lazanda<sup>18</sup> nasal spray, and prescribed her 30 tabs of Amrix<sup>19</sup>  
10 15mg, 120 Subsys Sublingual<sup>20</sup> 800mcg, an unknown number of Fentanyl 50 MCG patches, and  
11 60 capsules of Nortriptyline HCl<sup>21</sup> 10mg. Respondent instructed the patient to return in two (2)  
12 weeks for a follow-up. Under "current medications," the patient's chart does not reference the  
13 MS Contin Respondent prescribed one week earlier, and does not indicate whether he  
14 discontinued that medication at this visit.

15           31. On or about June 13, 2014, Patient B presented to Respondent for a clinical  
16 appointment. The patient's chart does not indicate that Respondent discontinued any  
17 medications, but under "current medications," the patient's chart lists, "none."

18           <sup>15</sup> Dilaudid (brand name for Hydromorphone) is a Schedule II controlled substance pursuant to  
19 Health and Safety Code section 11055, subdivision (b), and a dangerous drug pursuant to Business and  
Professions Code section 4022. It is an opioid medication used to treat pain.

20           <sup>16</sup> Fentanyl is a Schedule II controlled substance under Health and Safety Code section  
21 11055(c)(8) and a dangerous drug within the meaning of California Business and Professions Code section  
4022. It is an opioid medication used to treat pain.

22           <sup>17</sup> MS Contin (brand name for morphine) is a Schedule II controlled substance pursuant to Health  
23 and Safety Code section 11055, subdivision (b), and a dangerous drug pursuant to Business and  
Professions Code section 4022.

24           <sup>18</sup> Lazanda is a nasal spray containing fentanyl used for the treatment of pain.

25           <sup>19</sup> Amrix or Flexeril (brand names for Cyclobenzaprine) is a dangerous drug pursuant to Business  
26 and Professions Code section 4022. It is a muscle relaxant used to treat pain and muscle spasms.

27           <sup>20</sup> Subsys Sublingual is a mouth spray containing fentanyl used for the treatment of pain.

28           <sup>21</sup> Nortriptyline is a tricyclic antidepressant used to treat depression, and a dangerous drug pursuant  
to Business and Professions Code section 4022.

1           32. On or about June 18, 2014, Patient B presented to Respondent for a clinical  
2 appointment related to her depression. The patient's chart does not indicate that Respondent  
3 discontinued any medications, but under "current medications," the patient's chart lists, "none."

4           33. On or about June 19, 2014, Respondent completed a progress note for treatment he  
5 provided Patient B for varicose veins. During a later interview with an investigator from the  
6 Division of Investigations that occurred on or about March 4, 2019, Respondent admitted that  
7 Patient B did not have varicose veins, and that this specific chart entry was intended for a  
8 different patient.

9           34. On or about July 2, 2014, Patient B presented to Respondent for a follow-up  
10 appointment with complaints of back, leg, and nerve pain. At the conclusion of this visit,  
11 Respondent prescribed the patient 60 tabs of MS Contin 100mg. The patient's chart does not  
12 indicate that Respondent discontinued any medications, but under "current medications," the  
13 patient's chart only lists Percocet and Cymbalta.<sup>22</sup>

14           35. On or about July 9, 2014, Patient B presented to Respondent for a follow-up  
15 appointment with complaints of pain. At the conclusion of this visit, Respondent prescribed the  
16 patient 120 tabs of Percocet 10/325mg. The patient's chart does not indicate that Respondent  
17 discontinued any medications, but under "current medications," the patient's chart only lists  
18 Percocet and Cymbalta.

19           36. On or about July 16, 2014, Patient B presented to Respondent for a follow-up  
20 appointment with complaints of her whole body jerking. At the conclusion of this visit,  
21 Respondent prescribed the patient 90 tabs of MS Contin 100 MG, 120 tabs of Percocet 10-325mg,  
22 and 60 tabs of Clonazepam<sup>23</sup> 1mg.

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25           <sup>22</sup> Cymbalta (brand name for Duloxetine) is a dangerous drug pursuant to Business and  
26 Professions Code section 4022. It is used to treat depression and anxiety.

27           <sup>23</sup> Clonazepam is a Schedule IV controlled substance pursuant to Health and Safety Code section  
28 11057, subdivision (d), and a dangerous drug pursuant to Business and Professions Code section 4022. It  
is an anti-anxiety medication in the benzodiazepine family.



1           37. On or about July 29, 2014, Respondent prescribed Patient B 60 tabs of Diazepam<sup>24</sup>  
2 10mg, and 120 tabs of Robaxin<sup>25</sup> 750mg. The patient's chart does not contain a clinical note for a  
3 visit that date, any documented reason for these prescribed medications, or a notation that he  
4 discontinued any medications.

5 **PATIENT C**

6           38. On or about December 10, 2013, Patient C, a then sixty-six (66) year old female,  
7 presented to Respondent for the first time for an initial check-up, and complained of allergy  
8 symptoms. Respondent performed a physical exam and diagnosed the patient with hypertension,  
9 allergic rhinitis, coronary arteriosclerosis of artery bypass graft, asthma, chronic rhinitis, and  
10 shortness of breath. Allergy testing was performed at this visit, and although the results were  
11 reviewed with the patient, the chart notes do not contain the results of the test. Respondent did  
12 not prescribe the patient any medication on that date.

13           39. On or about December 12, 2013, Patient C presented to Respondent for a follow-up  
14 visit. At this visit, Respondent noted that the patient had a morphine pump installed in 2009. The  
15 chart note for this visit indicates that the patient's current medications were Lipitor, Amlodipine,  
16 Ambien, Albuterol, Fexeril, Citalopram, Oxycodone, and Bystolic. Respondent did not prescribe  
17 the patient any medication on that date.

18           40. On or about February 20, 2014, Patient C presented to Respondent for a follow-up  
19 and for a refill of medications. At the conclusion of this visit, Respondent prescribed the patient  
20 various medications, including but not limited to, an unknown number of Oxycodone HCl 10mg.  
21 The chart notes for this visit do not indicate a clinical indication for this medication.

22           41. On or about March 24, 2014, Patient C presented to Respondent for a follow-up on  
23 medications. At this visit, Patient C complained of back pain, and informed Respondent that  
24 when she went to have her morphine pump checked at the pain clinic, she was provided

25           <sup>24</sup> Diazepam (brand name Valium) is a Schedule IV controlled substance pursuant to Health and  
26 Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to Business and Professions  
Code section 4022. It is an anti-anxiety medication in the benzodiazepine family.

27           <sup>25</sup> Robaxin (brand name for Methocarbamol) is a central nervous system (CNS) depressant and  
28 muscle relaxant used to treat muscle spasms, tension, and pain. It is a dangerous drug pursuant to  
Business and Professions Code section 4022

1 additional medication that she believed caused her to have an allergic reaction. Respondent did  
2 not perform and/or document the results of a physical examination of the patient's back, but he  
3 diagnosed her with spinal stenosis of the lumbar region, lumbar radiculopathy, bursitis of the left  
4 hip, and lower back pain. X-rays of the patient's left hip and lower back were taken in the office,  
5 the results of which were not included in the patient's chart. The patient's chart for this visit  
6 indicates that an x-ray arthrogram<sup>26</sup> of the left hip was taken. During a later interview with an  
7 investigator from the Division of Investigations that occurred on or about March 4, 2019,  
8 Respondent admitted that the chart was probably "misquoting" the procedure, as only a normal  
9 x-ray was performed on that date. At the conclusion of the visit, Respondent prescribed the  
10 patient Zofran<sup>27</sup> and Flector.<sup>28</sup> Under "current medications," approximately fifteen (15) other  
11 medications were listed in the patient's chart on that date.

12 42. On or about April 8, 2014, Patient C presented to Respondent with complaints of  
13 increasing blood pressure and requested a change in medication. The patient's chart does not  
14 indicate that Respondent discontinued any medications, but under "current medications," the  
15 patient's chart lists, "none."

16 43. On or about April 29, 2014, Patient C presented to Respondent for a follow-up. At  
17 the conclusion of the visit, Respondent prescribed various medications to Patient C, including but  
18 not limited to, 120 tabs of Oxycodone HCl 10mg. The chart notes for this visit do not indicate a  
19 clinical indication for this medication. The patient's chart also does not indicate that Respondent  
20 discontinued any medications, but under "current medications," the patient's chart lists only  
21 Spironolactone and Citalopram.

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25 <sup>26</sup> An arthrogram is a series of images of a joint after injection of a contrast medium, usually done  
26 by fluoroscopy or MRI.

27 <sup>27</sup> Zofran (brand name for Ondansetron) is a dangerous drug pursuant to Business and Professions  
Code section 4022. It is used to treat nausea and vomiting.

28 <sup>28</sup> Flector (name brand for diclofenac) is a nonsteroidal anti-inflammatory drug used to treat pain.

1 44. Respondent committed gross negligence in his care and treatment of Patients A, B,  
2 and C, which included, but was not limited to, the following:

3 A. Failing to obtain written consent from Patient A authorizing the release of her  
4 personal sensitive health information;

5 B. Failing to obtain and document a review of systems, physical examination, and  
6 assessment/plan at each clinical visit with Patient A;

7 C. Prescribing medication to Patient A without documenting clinical indication,  
8 dosage, or administration instruction;

9 D. Inappropriately prescribing concomitant high dose opiates, benzodiazepines,  
10 and a CNS muscle relaxant to Patient B in or around July 2014; and

11 E. Failing to appropriately document care provided to Patient C, including clinical  
12 diagnoses, medications prescribed, procedures performed, and imaging results.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Repeated Negligent Acts)**

15 45. Respondent has further subjected his Physician's and Surgeon's Certificate No.  
16 A40490 to disciplinary action under sections 2227 and 2234, as defined by section 2234,  
17 subdivision (c), of the Code, in that he committed repeated negligent acts in his care and  
18 treatment of Patients A, B, and C, as more particularly alleged in paragraphs 18 through 44,  
19 above, which are hereby incorporated by reference and realleged as if fully set forth herein.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Unauthorized Violation of Professional Confidence)**

22 46. Respondent has further subjected his Physician's and Surgeon's Certificate No.  
23 A40490 to disciplinary action under sections 2227 and 2234, as defined by section 2263, of the  
24 Code, in that Respondent engaged in the willful, unauthorized violation of professional  
25 confidence of Patient A, as more particularly alleged in paragraphs 18 through 44, above, which  
26 are hereby incorporated by reference and realleged as if fully set forth herein.

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1. **FOURTH CAUSE FOR DISCIPLINE**

2. **(Failure to Maintain Adequate and Accurate Records)**

3. 47. Respondent has further subjected his Physician's and Surgeon's Certificate No.  
4. A40490 to disciplinary action under sections 2227 and 2234, as defined by section 2266, of the  
5. Code, in that Respondent failed to maintain adequate and accurate records regarding his care and  
6. treatment of Patients A, B, and C, as more particularly alleged in paragraphs 18 through 44,  
7. above, which are hereby incorporated by reference and realleged as if fully set forth herein.

8. **FIFTH CAUSE FOR DISCIPLINE**

9. **(Prescribing, Dispensing, or Furnishing Dangerous Drugs without Appropriate Prior  
10. Examination and Medical Indication)**

11. 48. Respondent has further subjected his Physician's and Surgeon's Certificate No.  
12. A40490 to disciplinary action under sections 2227 and 2242, subdivision (a), of the Code, in that  
13. he prescribed, dispensed, or furnished dangerous drugs without an appropriate prior examination  
14. and medical indication as more particularly alleged in paragraphs 18 through 44 above, which are  
15. incorporated by reference and realleged, as if fully set forth herein.

16. **SIXTH CAUSE FOR DISCIPLINE**

17. **(Violation of any Federal Statute or Federal Regulation or any State Statute or Regulation  
18. Regulating Dangerous Drugs or Controlled Substances)**

19. 49. Respondent has further subjected his Physician's and Surgeon's Certificate No.  
20. A40490 to disciplinary action under sections 2227 and 2238, as defined by sections 4081, 4105,  
21. and 4170, of the Code, in that he has violated Federal or State statutes or regulations regulating  
22. dangerous drugs or controlled substances, as more particularly alleged in paragraphs 18 through  
23. 44 above, which are incorporated by reference and realleged, as if fully set forth herein.

24. **SEVENTH CAUSE FOR DISCIPLINE**

25. **(Failure to Comply with Mandated Reporting Requirements)**

26. 50. Respondent has further subjected his Physician's and Surgeon's Certificate No.  
27. A40490 to disciplinary action under sections 2227 and 2234, of the Code, as defined by sections  
28. 11165.7, 11165.9, and 11166 of the Penal Code, in that he failed to comply with mandated


1 reporting requirements, as more particularly alleged in paragraphs 18 through 44 above, which  
2 are incorporated by reference and realleged, as if fully set forth herein.

3 P R A Y E R

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 No. A 40490, issued  
7 to Respondent, Jay Amin, M.D.;
- 8 2. Revoking, suspending or denying approval of Respondent, Jay Amin, M.D.'s  
9 authority to supervise physician assistants and advanced practice nurses;
- 10 3. Ordering Respondent, Jay Amin, M.D., if placed on probation, to pay the Board the  
11 costs of probation monitoring; and
- 12 4. Taking such other and further action as deemed necessary and proper.

13  
14 DATED: August 12, 2019

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

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