

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

In the Matter of the Accusation  
Against

Ann Knabe Engel, M.D.

Case No. 800-2018-051151

Physician's and Surgeon's  
Certificate No. G86811

Respondent.

DECISION

The attached Stipulated Surrender of License 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  
JUN 10 2020.

IT IS SO ORDERED JUN 03 2020.

MEDICAL BOARD OF CALIFORNIA

By: 

Christine J. Lally

Interim Executive Director

1 XAVIER BECERRA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 RYAN J. MCEWAN  
Deputy Attorney General  
4 State Bar No. 285595  
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5 P.O. Box 944255  
Sacramento, CA 94244-2550  
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

13 **ANN KNABE ENGEL, M.D.**  
14 **P.O. Box 1270**  
**Nevada City, CA 95959**

15 **Physician's and Surgeon's Certificate**  
16 **No. G 86811**

17 Respondent.

Case No. 800-2018-051151

OAH No. 2019120221

**STIPULATED SURRENDER OF**  
**LICENSE AND DISCIPLINARY ORDER**

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 brought 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 Ryan  
24 J. McEwan, Deputy Attorney General.

25 2. Ann Knabe Engel, M.D. (Respondent) is represented in this proceeding by attorney  
26 Jonathan C. Turner, Esq., whose address is: Law Office of Jonathan Turner, 1007 7th Street, Suite  
27 304, Sacramento, CA 95814.

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3. On or about March 5, 2003, the Board issued Physician's and Surgeon's Certificate No. G 86811 to Ann Knabe Engel, M.D. (Respondent). The Physician's and Surgeon's Certificate expired on February 28, 2019, and has not been renewed.

## JURISDICTION

4. Accusation No. 800-2018-051151 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on November 27, 2019. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2018-051151 is attached as Exhibit A and incorporated by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2018-051151. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her 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. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 800-2018-051151, agrees that cause exists for discipline and hereby surrenders her Physician's and Surgeon's Certificate No. G 86811 for the Board's formal acceptance.

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9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Physician's and Surgeon's Certificate without further process.

## CONTINGENCY

10. Pursuant to Business and Professions Code section 2224, subdivision (b), the Executive Director of the Board has been delegated the authority to adopt or reject a stipulation for surrender of a Physician's and Surgeon's Certificate.

11. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be null and void and not binding upon the parties unless approved by the Executive Director on behalf of the Board. Respondent fully understands and agrees that in deciding whether or not to approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive Director and/or the Board may receive oral and written communications from its staff and/or the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the Executive Director, the Board, any member thereof, and/or any other person from future participation in this or any other matter affecting or involving Respondent. In the event that the Executive Director on behalf of the Board does not, in her discretion, approve and adopt this Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party hereto. Respondent further agrees that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason by the Executive Director on behalf of the Board, Respondent will assert no claim that the Board, or any member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or of any matter or matters related hereto.

12. The Executive Director shall have a reasonable period of time in which to consider and act on this stipulation after receiving it. By signing this stipulation, Respondent fully understands and agrees that she may not withdraw her agreement or seek to rescind this stipulation prior to the time the Executive Director considers and acts upon it.

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

14. 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 Order:

## ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 86811, issued to Respondent Ann Knabe Engel, M.D., is surrendered and accepted by the Board.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a physician and surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2018-051151 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2018-051151 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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1 ACCEPTANCE

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

7  
8 DATED: 5/7/2020 Ann Knabe Engel, MD  
9 ANN KNABE ENGEL, M.D.  
Respondent

10 I have read and fully discussed with Respondent Ann Knabe Engel, M.D. the terms and  
11 conditions and other matters contained in this Stipulated Surrender of License and Disciplinary  
12 Order. I approve its form and content.

13 DATED: 5-12-2020 J. C. Turner  
14 JONATHAN C. TURNER, ESQ.  
Attorney for Respondent

15 ENDORSEMENT

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

19  
20 DATED: 5/13/2020

Respectfully submitted,

21 XAVIER BECERRA  
22 Attorney General of California  
ALEXANDRA M. ALVAREZ  
23 Supervising Deputy Attorney General

24 Ryan J. McEwan  
25 RYAN J. MCEWAN  
26 Deputy Attorney General  
Attorneys for Complainant

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**Exhibit A**

**Accusation No. 800-2018-051151**

1 XAVIER BECERRA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 RYAN J. MCEWAN  
Deputy Attorney General  
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7 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO November 27 2019  
BY: *Anna Kogan* ANALYST

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

13 In the Matter of the Accusation Against:

Case No. 800-2018-051151

14 **Ann Knabe Engel, M.D.**  
15 **P.O. Box 1270**  
16 **Nevada City, CA 95959**

**A C C U S A T I O N**

17 **Physician's and Surgeon's Certificate**  
18 **No. G 86811,**

19 Respondent.

20 **PARTIES**

21 1. Christine J. Lally (Complainant) brings this Accusation solely in her official capacity  
22 as the Interim Executive Director of the Medical Board of California, Department of Consumer  
23 Affairs (Board).

24 2. On or about March 5, 2003, the Medical Board issued Physician's and Surgeon's  
25 Certificate No. G 86811 to Ann Knabe Engel, M.D. (Respondent). The Physician's and  
26 Surgeon's Certificate expired on February 28, 2019, and has not been renewed.

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1           7. Unprofessional conduct under Business and Professions Code section 2234 is conduct  
2 which breaches the rules or ethical conduct of the medical profession, or conduct which is  
3 unbecoming to a member in good standing of the medical profession, and which demonstrates an  
4 unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564,  
5 575.)

6           8. Section 2236 of the Code states:

7           “(a) The conviction of any offense substantially related to the qualifications,  
8 functions, or duties of a physician and surgeon constitutes unprofessional conduct  
9 within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record  
10 of conviction shall be conclusive evidence only of the fact that the conviction  
11 occurred.

12           “...

13           “(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is  
14 deemed to be a conviction within the meaning of this section and Section 2236.1.  
15 The record of conviction shall be conclusive evidence of the fact that the conviction  
16 occurred.”

17           9. Section 2239 of the Code states:

18           “(a) The use or prescribing for or administering to himself or herself, of any  
19 controlled substance; or the use of any of the dangerous drugs specified in Section  
20 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous  
21 or injurious to the licensee, or to any other person or to the public, or to the extent that  
22 such use impairs the ability of the licensee to practice medicine safely or more than  
23 one misdemeanor or any felony involving the use, consumption, or  
24 self-administration of any of the substances referred to in this section, or any  
25 combination thereof, constitutes unprofessional conduct. The record of the  
26 conviction is conclusive evidence of such unprofessional conduct.

27           “(b) A plea or verdict of guilty or a conviction following a plea of nolo  
28 contendere is deemed to be a conviction within the meaning of this section. The

1 Division of Medical Quality may order discipline of the licensee in accordance with  
2 Section 2227 or the Division of Medical Quality may order the denial of the license  
3 when the time for appeal has elapsed or the judgment of conviction has been affirmed  
4 on appeal or when an order granting probation is made suspending imposition of  
5 sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of  
6 the Penal Code allowing such person to withdraw his or her plea of guilty and to enter  
7 a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation,  
8 complaint, information, or indictment.”<sup>1</sup>

9 10. California Code of Regulations, title 16, section 1360, states:

10 “For the purposes of denial, suspension or revocation of a license, certificate or  
11 permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime  
12 or act shall be considered to be substantially related to the qualifications, functions or  
13 duties of a person holding a license, certificate or permit under the Medical Practice  
14 Act if to a substantial degree it evidences present or potential unfitness of a person  
15 holding a license, certificate or permit to perform the functions authorized by the  
16 license, certificate or permit in a manner consistent with the public health, safety or  
17 welfare. Such crimes or acts shall include but not be limited to the following:  
18 Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
19 violation of, or conspiring to violate any provision of the Medical Practice Act.”

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Use of Alcohol in a Dangerous or Injurious Manner)**

22 11. Respondent is subject to disciplinary action under sections 2227 and 2234, as defined  
23 by section 2239, of the Code, and California Code of Regulations, title 16, section 1360, in that  
24 she used alcoholic beverages, to the extent, or in such a manner, as to be dangerous or injurious to  
25 herself, or to any other person or to the public, as more particularly alleged as follows:

26 \_\_\_\_\_  
27 <sup>1</sup> There is a nexus between a physician’s use of alcoholic beverages and his or her fitness to  
28 practice medicine, established by the Legislature in section 2239, “in all cases where a licensed physician  
used alcoholic beverages to the extent or in such a manner as to pose a danger to himself or others.”  
(*Watson v. Superior Court (Medical Board)* (2009) 176 Cal.App.4th 1407, 1411.)

1           12. On or about November 30, 2018, at approximately 9:30 a.m., a Nevada County  
2 Deputy Sheriff ("Deputy J.C.")—who was on assignment at Nevada Union High School—  
3 observed Respondent drive a tan color minivan into a parking spot near his patrol car.  
4 Respondent and her son, a dependent adult, exited the vehicle and walked towards the entrance of  
5 the school. Deputy J.C. completed a service call at another location and returned to Nevada Union  
6 High School at approximately 10:00 a.m. When Deputy J.C. arrived at the school, the Assistant  
7 Principal advised him that Respondent was in the attendance office and appeared to be  
8 intoxicated. The Assistant Principal and Deputy J.C. approached Respondent and began speaking  
9 to her. Deputy J.C. immediately noticed that Respondent's eyes were "extremely bloodshot" and  
10 watery and her speech was slurred.

11           13. Based on the Assistant Principal's comments and the observations noted above,  
12 Deputy J.C. requested that Respondent follow him to his office for a further investigation.  
13 Deputy J.C. observed Respondent walking off-balance and with an unsteady gait. When they  
14 arrived at Deputy J.C.'s office, Respondent said that she needed her inhaler, which she had left in  
15 her vehicle. As they walked to Respondent's vehicle, Respondent continued to walk with an  
16 unsteady gait. After they reached Respondent's vehicle, Deputy J.C. talked to Respondent for  
17 several minutes and noticed the smell of alcohol on Respondent's breath. Deputy J.C. requested  
18 that California Highway Patrol ("CHP") respond to his location for a DUI investigation.

19           14. CHP Officer T.K. was dispatched at approximately 10:27 a.m. and arrived at Nevada  
20 Union High School shortly thereafter. Officer T.K. observed Respondent standing in the parking  
21 lot next to her vehicle. When he approached Respondent, he immediately detected the "strong  
22 odor" of alcohol on her breath and person. Officer T.K. began asking Respondent a series of pre-  
23 Field Sobriety Test questions. As Respondent spoke, her speech was slurred and Officer T.K.  
24 again detected the same "strong odor" of alcohol on her breath and person. Officer T.K. further  
25 observed that Respondent's eyes were red and watery.

26           15. Officer T.K. asked Respondent to perform a series of field sobriety tests, which he  
27 explained and demonstrated. Respondent failed each of these tests. During the horizontal gaze  
28 nystagmus test, Respondent displayed lack of smooth pursuit and distinct nystagmus at the

1 extremes and onset prior to 45 degrees. Her pupils also appeared dilated. During the Rhomberg  
2 balance test, Respondent estimated 16 seconds as 30 seconds, displayed eyelid tremors, swayed  
3 from front to back, used her arms to balance, and took a large step backwards to prevent herself  
4 from falling. During the one-leg-stand test, Respondent raised her right foot off the ground and  
5 had to use her arms for balance. She also placed her foot on the ground several times to maintain  
6 her balance. Respondent chose not to submit to a preliminary alcohol screening (PAS) test.

7 16. At approximately 10:59 a.m., Officer T.K. arrested Respondent for driving under the  
8 influence of alcohol. After Officer T.K. advised Respondent of her rights under Vehicle Code  
9 section 23612, Respondent agreed to a blood test to determine the alcoholic content of her blood.  
10 Officer T.K. transported her to the Nevada County Jail, where he observed a phlebotomist obtain  
11 a blood sample from Respondent's left arm at approximately 11:55 a.m. The blood sample  
12 measured a blood alcohol concentration of 0.19%.

13 17. On or about December 13, 2018, in *The People of the State of California v. Ann*  
14 *Knabe Engel*, Case No. M18-001675, Respondent was charged with the following: (1) Driving  
15 Under the Influence of Alcohol, in violation of Vehicle Code section 23152(a); and (2) Driving  
16 While Having a 0.08% or Higher Blood Alcohol, in violation of Vehicle Code section 23152(b).  
17 It was further alleged that Respondent had a blood alcohol concentration over 0.15%, by weight,  
18 thus subjecting her to additional punishment under Vehicle Code section 23578.

19 18. On or about February 25, 2019, Respondent pleaded no contest to Driving While  
20 Having a 0.08% or Higher Blood Alcohol, in violation of Vehicle Code section 23152(b).  
21 Respondent also admitted, pursuant to Vehicle Code section 23578, that she drove with a blood  
22 alcohol concentration over 0.15%. The Superior Court judge sentenced Respondent to: serve  
23 three (3) years' probation; serve five (5) days in Nevada County jail (including four (4) days in  
24 the Work Release Program); attend a DUI Victim Impact Panel; enroll in and complete 3-month  
25 DUI program; submit to chemical testing of blood, breath, or urine; pay fines and fees totaling  
26 \$2,323.25; refrain from knowingly operating a motor vehicle without a valid driver's license and  
27 insurance; and refrain from driving with a measurable amount of alcohol in her blood.

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1           19. On or about July 31, 2019, a Board Investigator interviewed Respondent. During the  
2 interview, Respondent admitted to drinking alcohol the morning that she drove her son to school,  
3 which led to her arrest and conviction.

4                                   **SECOND CAUSE FOR DISCIPLINE**

5           **(Conviction of a Crime Substantially Related to the Qualifications, Functions, or Duties of a**  
6                                   **Physician and Surgeon)**

7           20. Respondent is further subject to disciplinary action under sections 2227 and 2234, as  
8 defined by section 2236, of the Code, and California Code of Regulations, title 16, section 1360,  
9 in that she has been convicted of a crime, to wit: violation of Vehicle Code section 23152(b)  
10 (Driving While Having a 0.08% or Higher Blood Alcohol), which is substantially related to the  
11 qualifications, functions or duties of a physician and surgeon, as more particularly alleged in  
12 paragraphs 11 to 19, above, which are hereby incorporated by reference as if fully set forth  
13 herein.

14                                   **THIRD CAUSE FOR DISCIPLINE**

15                                   **(General Unprofessional Conduct)**

16           21. Respondent is further subject to disciplinary action under Code sections 2227 and  
17 2234, in that she has engaged in conduct which breaches the rules or ethical code of the medical  
18 profession, or conduct which is unbecoming a member in good standing of the medical  
19 profession, and which demonstrates an unfitness to practice medicine, as more particularly  
20 alleged in paragraphs 11 through 20, above, which are hereby incorporated by reference as if fully  
21 set forth herein.

22                                   **PRAYER**


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

- 25           1. Revoking or suspending Physician's and Surgeon's Certificate No. G 86811, issued  
26 to Ann Knabe Engel, M.D.;
- 27           2. Revoking, suspending or denying approval of Ann Knabe Engel, M.D.'s authority to  
28 supervise physician assistants and advanced practice nurses;

1           3.     Ordering Ann Knabe Engel, M.D., if placed on probation, to pay the Board the costs  
2 of probation monitoring; and

3           4.     Taking such other and further action as deemed necessary and proper.

4  
5     DATED: November 27, 2019

  
CHRISTINE J. LALLY  
Interim Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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