

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

In the Matter of the Accusation
Against:

Alicja Soczewko Steiner, M.D.

Physician's & Surgeon's
Certificate No A 69227

Respondent.

Case No. 800-2016-025313

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 JUL 17 2020

IT IS SO ORDERED JUN 18 2020

MEDICAL BOARD OF CALIFORNIA



Kristina D. Lawson, J.D., Chair
Panel B

1 XAVIER BECERRA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 JOSEPH F. MCKENNA III
Deputy Attorney General
4 State Bar No. 231195
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5 San Diego, California 92101
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6 San Diego, California 92186-5266
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7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

13 **ALICJA SOCZEWKO STEINER, M.D.**
14 **2100 5th Avenue, Suite 200**
San Diego, California 92101-2102

15 **Physician's and Surgeon's Certificate**
16 **No. A 69227,**

17 Respondent.

Case No. 800-2016-025313

OAH No. 2020010226

**STIPULATED SETTLEMENT 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 Board
22 of California (Board). This action was brought by then Complainant Kimberly Kirchmeyer,¹
23 solely in her official capacity. Complainant is represented in this matter by Xavier Becerra,
24 Attorney General of the State of California, and Joseph F. McKenna III, Deputy Attorney General.

25 2. Respondent Alicja Soczewko Steiner, M.D., (Respondent) is represented in this
26 proceeding by attorney David Rosenberg, Esq., whose address is: 10815 Rancho Bernardo Road,
27 Suite 310, San Diego, California, 92127.

28 ¹ Ms. Kirchmeyer became the Director of the Department of Consumer Affairs on October 28, 2019.

1 **DISCIPLINARY ORDER**

2 1. **PUBLIC REPRIMAND.**

3 IT IS HEREBY ORDERED that Respondent Alicja Soczewko Steiner, M.D.'s Physician's
4 and Surgeon's Certificate No. A 69227 shall be and is hereby Publicly Reprimanded pursuant to
5 California Business and Professions Code section 2227, subdivision (a), subsection (4). This
6 Public Reprimand, which is issued in connection with the charges and allegations contained in
7 Accusation No. 800-2016-025313, is as follows:

8 Respondent committed negligence by failing to maintain adequate and
9 accurate records in connection with her care and treatment of Patients A and B, as
10 more particularly alleged in Accusation No. 800-2016-025313.

11 2. **MEDICAL RECORD KEEPING COURSE.**

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

21 A medical record keeping course taken after the acts that gave rise to the charges contained
22 in Accusation 800-2016-025313, but prior to the effective date of the Decision may, in the sole
23 discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the
24 course would have been approved by the Board or its designee had the course been taken after the
25 effective date of this Decision.

26 Respondent shall submit a certification of successful completion to the Board or its
27 designee not later than fifteen (15) calendar days after successfully completing the course, or not
28 later than fifteen (15) calendar days after the effective date of the Decision, whichever is later.

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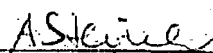
3. FAILURE TO COMPLY.

Any failure by Respondent to comply with the terms and conditions of the Disciplinary Order set forth above shall constitute unprofessional conduct and grounds for further disciplinary action.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, David Rosenberg, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. A 69227. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 5/13/2020



ALICJA SOCZEWKO STEINER, M.D.
Respondent

I have read and fully discussed with Respondent Alicia Soczewko Steiner, M.D., the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 5/13/20



DAVID ROSENBERG, ESQ.
Attorney for Respondent

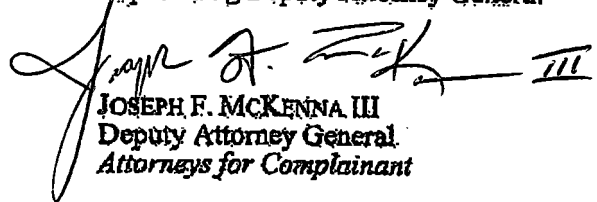
ENDORSEMENT

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

DATED: May 14, 2020

Respectfully submitted,

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



JOSEPH F. MCKENNA III
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2016-025313

1 XAVIER BECERRA
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2 ALEXANDRA M. ALVAREZ
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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO *Aug 16 20 19*
BY *SARA PASTOR* ANALYST

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

14 In the Matter of the Accusation Against:
15 **ALICJA SOCZEWKO STEINER, M.D.**
2100 5th Avenue, Suite 200
16 San Diego, California 92101-2102
17 **Physician's and Surgeon's Certificate**
No. A69227,
18 Respondent.

Case No. 800-2016-025313
ACCUSATION

20 Complainant alleges:

21 **PARTIES**

- 22 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
23 capacity as the Executive Director of the Medical Board of California, Department of Consumer
24 Affairs (Board).
- 25 2. On or about July 9, 1999, the Medical Board issued Physician's and Surgeon's
26 Certificate No. A69227 to Alicja Soczewko Steiner, M.D. (Respondent). The Physician's and
27 Surgeon's Certificate was in full force and effect at all times relevant to the charges and
28 allegations brought herein and will expire on February 28, 2021, unless renewed.

1 JURISDICTION

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

5 4. Section 2227 of the Code states:

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
8 Government Code, or whose default has been entered, and who is found guilty, or
9 who has entered into a stipulation for disciplinary action with the board, may, in
10 accordance with the 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
17 a requirement that the licensee complete relevant educational courses approved by
18 the 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 (b) Any matter heard pursuant to subdivision (a), except for warning letters,
22 medical review or advisory conferences, professional competency examinations,
23 continuing education activities, and cost reimbursement associated therewith that
24 are agreed to with the board and successfully completed by the licensee, or other
25 matters made confidential or privileged by existing law, is deemed public, and
26 shall be made available to the public by the board pursuant to Section 803.1.

27 5. Section 2234 of the Code states, in relevant part:

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

(a) Violating or attempting to violate, directly or indirectly, assisting in or
abetting the violation of, or conspiring to violate any provision of this chapter.

(b) Gross negligence.

(c) Repeated negligent acts. To be repeated, there must be two or more
negligent acts or omissions. An initial negligent act or omission followed by a

1 separate and distinct departure from the applicable standard of care shall constitute
2 repeated negligent acts.

3 ...

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

8 7. Section 2266 of the Code states:

9 The failure of a physician and surgeon to maintain adequate and accurate records
10 relating to the provision of services to their patients constitutes unprofessional conduct.

11 FIRST CAUSE FOR DISCIPLINE

12 (Gross Negligence)

13 8. Respondent has subjected her Physician's and Surgeon's Certificate No. A69227
14 to disciplinary action under sections 2227 and 2234, as defined in section 2234, subdivision (b),
15 of the Code, in that Respondent committed gross negligence in her care and treatment of Patients
16 A and B,¹ as more particularly alleged hereinafter:

17 9. Patient A

18 (a) On or about December 12, 2013, Patient A, a then-56-year-old male,
19 was first seen at Respondent's clinic for pain management treatment. Respondent
20 is board-certified in pain management and anesthesiology, and held both
21 certifications at all times relevant to the care of this patient. Patient A was referred
22 to Respondent by his primary care physician for treatment of chronic pain.
23 Respondent diagnosed Patient A with chronic pain syndrome.

24 (b) In 2015, Respondent administered approximately ten (10) steroid trigger
25 point injections to Patient A to treat his pain. These injections were performed on
26 a near monthly basis, and some were performed under ultrasound guidance with
27 the use of Vitamin B12 as the injectate. Significantly, there was no adequate

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

1 documentation in Patient A's medical record that he was receiving sustained
2 benefit from these repeated steroid trigger point injections in 2015.

3 10. Respondent committed gross negligence in her care and treatment of Patient A
4 including, but not limited to, the following:

5 (a) In 2015, Respondent administered approximately ten (10) trigger point
6 injections with no documented sustained benefit from prior injections
7 for Patient A.

8 11. **Patient B**

9 (a) On or about August 10, 2012, Patient B, a then-60-year-old female, was
10 first seen at Respondent's clinic for pain management treatment. Patient B was
11 referred to Respondent by her primary care physician for treatment of chronic
12 pain. Respondent diagnosed Patient B with chronic pain syndrome due to this
13 patient's complex pain issues.

14 (b) Between in or around August 2012, through in or around November,
15 2015, Respondent routinely issued controlled pain medication to Patient B
16 including, but not limited to, high dose opioids, benzodiazepines, and muscle
17 relaxants. These prescriptions were issued to Patient B for concomitant use and
18 were intended to address her complex pain issues.

19 (c) Respondent, notwithstanding the significant amount of controlled pain
20 medication routinely prescribed to Patient B for over three (3) years, routinely
21 scheduled this patient to be seen at her clinic at six (6) and eight (8) week
22 intervals.

23 12. Respondent committed gross negligence in her care and treatment of Patient B
24 including, but not limited to, the following:

25 (a) Between in or around August 2012, through in or around November,
26 2015, Respondent, despite prescribing a significant amount of controlled pain
27 medication to Patient B, failed to see this patient on a regular basis by routinely
28 scheduling clinic visits at six (6) and eight (8) week intervals.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Repeated Negligent Acts)**

3 13. Respondent has further subjected her Physician's and Surgeon's Certificate
4 No. A69227 to disciplinary action under sections 2227 and 2234, as defined in section 2234,
5 subdivision (c), of the Code, in that Respondent committed repeated negligent acts in her care
6 and treatment of Patients A and B, as more particularly alleged hereinafter:

7 14. **Patient A**

8 (a) Paragraphs 9 and 10, above, are hereby incorporated by reference
9 and realleged as if fully set forth herein.

10 (b) Between in or around 2013 and in or around 2015, Respondent routinely
11 issued prescriptions to Patient A for controlled substances including, opioids,
12 benzodiazepines, and Soma. During this timeframe, these prescriptions were issued
13 to Patient A for concomitant use and with no adequate documentation in the medical
14 record regarding changes and/or modifications to the prescriptions.

15 (c) Between in or around 2013 and in or around 2015, due to Patient A's
16 multiple complex pain issues, Respondent documented "recommendations" made to
17 the patient for consultation with outside specialists including, physical therapy,
18 orthopedics, neurology, and a pain psychiatrist. However, Patient A's medical
19 record does not indicate whether any official referrals were made and/or whether
20 reports were obtained from any outside specialists.

21 (d) Between in or around 2013 and in or around 2015, many of Patient A's
22 chart notes were handwritten. A large number of these chart notes contain
23 Respondent's handwriting, which is fundamentally illegible.

24 15. Respondent committed repeated negligent acts in her care and treatment of Patient A
25 including, but not limited to, the following:

26 (a) In 2015, Respondent administered approximately ten (10) trigger point
27 injections with no documented sustained benefit from prior injections for
28 Patient A;

1 (b) Between in or around 2013 and in or around 2015, Respondent failed to
2 adequately document changes and/or modifications to Patient A's
3 prescriptions for controlled substances;

4 (c) Between in or around 2013 and in or around 2015, Respondent failed to
5 document any official referral made on behalf of Patient A, and/or document
6 obtaining any reports regarding Patient A from outside specialists; and

7 (d) Between in or around 2013 and in or around 2015, many of Respondent's
8 handwritten chart notes for Patient A contained illegible handwriting.

9 16. **Patient B**

10 (a) Paragraphs 11 and 12, above, are hereby incorporated by reference
11 and realleged as if fully set forth herein.

12 (b) Between in or around 2012 and in or around 2015, due to Patient B's
13 multiple complex pain issues along with diagnosed anxiety, Respondent
14 documented "recommendations" made to the patient for consultation with outside
15 specialists including, physical therapy, neurology, and a psychiatrist. However,
16 Patient B's medical record does not indicate whether any official referrals were
17 made and/or whether reports were obtained from any outside specialists.

18 (c) Between in or around 2012 and in or around 2015, many of Patient B's
19 chart notes were handwritten. A large number of these chart notes contain
20 Respondent's handwriting, which is fundamentally illegible.

21 17. Respondent committed repeated negligent acts in her care and treatment of Patient B
22 including, but not limited to, the following:

23 (a) Between in or around August 2012, through in or around November,
24 2015, Respondent, despite prescribing a significant amount of controlled pain
25 medication to Patient B, failed to see this patient on a regular basis by
26 routinely scheduling clinic visits at six (6) and eight (8) week intervals;

27 (b) Between in or around 2012 and in or around 2015, Respondent failed to
28 document any official referral made on behalf of Patient B, and/or document

1 obtaining any reports regarding Patient B from a physical therapist,
2 neurologist, or a psychiatrist; and

3 (c) Between in or around 2012 and in or around 2015, many of Respondent's
4 handwritten chart notes for Patient B contained illegible handwriting.

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(Failure to Maintain Adequate and Accurate Medical Records)**

7 18. Respondent has further subjected her Physician's and Surgeon's Certificate
8 No. A69227 to disciplinary action under sections 2227 and 2234, as defined in section 2266, of
9 the Code, in that Respondent failed to maintain adequate and accurate records in connection with
10 her care and treatment of Patients A and B, as more particularly alleged hereinafter:

11 19. **Patient A**

12 (a) Paragraphs 14 and 15, above, are hereby incorporated by reference
13 and realleged as if fully set forth herein.

14 20. **Patient B**

15 (a) Paragraphs 16 and 17, above, are hereby incorporated by reference
16 and realleged as if fully set forth herein.

17 **FOURTH CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct)**

19 21. Respondent has further subjected her Physician's and Surgeon's Certificate No.
20 A69227 to disciplinary action under sections 2227 and 2234 of the Code, in that Respondent has
21 engaged in conduct which breaches the rules or ethical code of the medical profession, or conduct
22 which is unbecoming to a member in good standing of the medical profession, and which
23 demonstrates an unfitness to practice medicine, as more particularly alleged in paragraphs 8
24 through 20, above, which are hereby incorporated by reference and realleged as if fully set forth
25 herein.

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PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate No. A69227, issued to Respondent Alicja Soczewko Steiner, M.D.;
2. Revoking, suspending or denying approval of Respondent Alicja Soczewko Steiner, M.D.'s, authority to supervise physician assistants pursuant to section 3527 of the Code, and advanced practice nurses;
3. Ordering Respondent Alicja Soczewko Steiner, M.D., to pay the Medical Board of California the costs of probation monitoring, if placed on probation; and
4. Taking such other and further action as deemed necessary and proper.

DATED: August 16, 2019



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

SD2019701867
Doc.No.71944996