

**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**

Case No. 800-2016-025313

Respondent.

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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6 San Diego, California 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 Accusation Against:

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

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

16
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 3. On or about July 9, 1999, the Board issued Physician's and Surgeon's Certificate No.
2 A 69227 to Alicja Soczewko Steiner, M.D. The Physician's and Surgeon's Certificate was in full
3 force and effect at all times relevant to the charges brought in Accusation No. 800-2016-025313,
4 and will expire on February 28, 2021, unless renewed.

5 **JURISDICTION**

6 4. Accusation No. 800-2016-025313 was filed before the Board, and is currently
7 pending against Respondent. The Accusation and all other statutorily required documents were
8 properly served on Respondent on August 16, 2019. Respondent timely filed her Notice of
9 Defense contesting the Accusation. A true and correct copy of the Accusation is attached hereto
10 as Exhibit A and hereby incorporated by reference as if fully set forth herein.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, discussed with her counsel, and fully understands the
13 charges and allegations contained in Accusation No. 800-2016-025313. Respondent has also
14 carefully read, discussed with her counsel, and fully understands the effects of this Stipulated
15 Settlement and Disciplinary Order.

16 6. Respondent is fully aware of her legal rights in this matter, including the right to a
17 hearing on the charges and allegations contained in the Accusation; the right to confront and
18 cross-examine the witnesses against her; the right to present evidence and to testify on her own
19 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the
20 production of documents; the right to reconsideration and court review of an adverse decision;
21 and all other rights accorded by the California Administrative Procedure Act and other applicable
22 laws, having been fully advised of same by her counsel.

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

25 **CULPABILITY**

26 8. Respondent understands and agrees that the charges and allegations contained in
27 Accusation No. 800-2016-025313, if proven at a hearing, constitute cause for imposing discipline
28 upon her Physician's and Surgeon's Certificate No. A 69227.

9. Respondent stipulates that, at a hearing, Complainant could establish a *prima facie* case or factual basis for the charges and allegations contained in the Accusation; that she gives up her right to contest those charges and allegations contained in the Accusation; and that she has thereby subjected her Physician's and Surgeon's Certificate to disciplinary action.

CONTINGENCY

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

11. Respondent agrees that if an accusation is ever filed against her before the Board, all of the charges and allegations contained in Accusation No. 800-2016-025313 shall be deemed true, correct and fully admitted by Respondent for purposes of any such proceeding or any other licensing proceeding involving Respondent in the State of California.

ADDITIONAL PROVISIONS

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

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

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

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1 3. FAILURE TO COMPLY.

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

5 ACCEPTANCE

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

11 DATED: 5/13/2020



12 ALICIA SOCZEWKO STEINER, M.D.
 Respondent

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

16 DATED: 5/13/20



17 DAVID ROSENBERG, ESQ.
 Attorney for Respondent

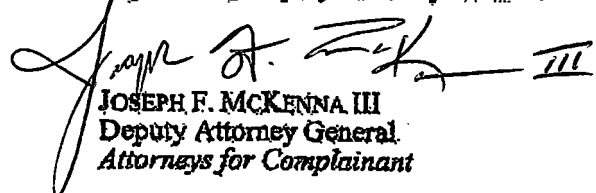
18 ENDORSEMENT

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

21 DATED: May 14, 2020

 Respectfully submitted,

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

25 
26 JOSEPH F. MCKENNA III
27 Deputy Attorney General
 Attorneys for Complainant

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Exhibit A

Accusation No. 800-2016-025313

1 XAVIER BECERRA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 JOSEPH F. MCKENNA III
Deputy Attorney General
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8 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Aug 16 20 19
BY SUA 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:

Case No. 800-2016-025313

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

A C C U S A T I O N

17 **Physician's and Surgeon's Certificate**
No. A69227,

18 Respondent.

19
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.

JURISDICTION

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

4. Section 2227 of the Code states:

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

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

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

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

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

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

(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.

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

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 ...

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

7 7. Section 2266 of the Code states:

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

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Gross Negligence)**

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

16 9. **Patient A**

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

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

27
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 (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

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

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

THIRD CAUSE FOR DISCIPLINE

(Failure to Maintain Adequate and Accurate Medical Records)

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

19. Patient A

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

20. Patient B

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

FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

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

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1 PRAYER

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

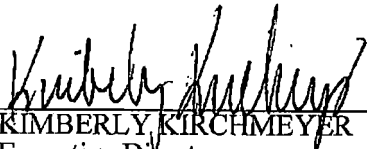
4 1. Revoking or suspending Physician's and Surgeon's Certificate No. A69227, issued to
5 Respondent Alicja Soczewko Steiner, M.D.;

6 2. Revoking, suspending or denying approval of Respondent Alicja Soczewko Steiner,
7 M.D.'s, authority to supervise physician assistants pursuant to section 3527 of the Code, and
8 advanced practice nurses;

9 3. Ordering Respondent Alicja Soczewko Steiner, M.D., to pay the Medical Board of
10 California the costs of probation monitoring, if placed on probation; and

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

12
13 DATED: August 16, 2019

14 
15 KIMBERLY KIRCHMEYER
16 Executive Director
17 Medical Board of California
18 Department of Consumer Affairs
19 State of California
20 Complainant

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27 SD2019701867
28 Doc.No.71944996