

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

**In the Matter of the First Amended
Accusation Against:**

Tammy Theresa Stokes, L.M.

Midwife Certificate No. LM 384

Respondent.

Case No. 800-2016-028082

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 SEP 24, 2020

IT IS SO ORDERED AUG 25 2020

MEDICAL BOARD OF CALIFORNIA



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

1 XAVIER BECERRA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 LEANNA E. SHIELDS
Deputy Attorney General
4 State Bar No. 239872
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8 *Attorneys for Complainant*

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

13

In the Matter of the First Amended Accusation
Against:

Case No. 800-2016-028082

14

OAH No. 2019120809

15

TAMMY THERESA STOKES, L.M.
35385 Beech Avenue
16 Yucaipa, CA 92399-3923

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16

17

Midwife Certificate No. LM 384,

18

Respondent.

19

20

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

22

PARTIES

23

1. Christine J. Lally (Complainant) is the Interim Executive Director of the Medical
24 Board of California, Department of Consumer Affairs (Board). She brought this action solely in
25 her official capacity and is represented in this matter by Xavier Becerra, Attorney General of the
26 State of California, by LeAnna E. Shields, Deputy Attorney General.

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2. Respondent Tammy Theresa Stokes, L.M. (Respondent) is represented in this
28 proceeding by attorney Peter R. Osinoff, Esq., with Bonne, Bridges, Mueller, O'Keefe & Nichols,

28

1 whose address is 355 South Grand Avenue, Suite 1750, Los Angeles, CA 90071, phone number:
2 (213) 480-1900.

3 3. On or about December 27, 2013, the Board issued Midwife Certificate No. LM 384 to
4 Respondent. The Midwife Certificate was in full force and effect at all times relevant to the
5 charges brought in Accusation No. 800-2016-028082, and will expire on August 31, 2021, unless
6 renewed.

7 **JURISDICTION**

8 4. On November 21, 2019, the First Amended Accusation No. 800-2016-028082 was
9 filed before the Board, and is currently pending against Respondent. A true and correct copy of
10 the first Amended Accusation No. 800-2016-028082 and all other statutorily required documents
11 were properly served on Respondent on November 21, 2019. Respondent timely filed her Notice
12 of Defense contesting the Accusation. A true and correct copy of the First Amended Accusation
13 No. 800-2016-028082 is attached as Exhibit A and incorporated by reference as if fully set forth
14 herein.

15 **ADVISEMENT AND WAIVERS**

16 5. Respondent has carefully read, fully discussed with counsel, and fully understands the
17 charges and allegations in the First Amended Accusation No. 800-2016-028082. Respondent has
18 also carefully read, fully discussed with counsel, and fully understands the effects of this
19 Stipulated Settlement and Disciplinary Order.

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

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

1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation contained in
3 paragraphs 1-7, 9-30, 32-33, in the First Amended Accusation No. 800-2016-028082, and that she
4 has thereby subjected her Midwife Certificate No. LM 384 to disciplinary action.

5 9. Respondent agrees that her Midwife Certificate No. LM 384 is subject to discipline
6 and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary
7 Order below.

8 CONTINGENCY

9 10. This Stipulated Settlement and Disciplinary Order shall be subject to approval of the
10 Board. The parties agree that this Stipulated Settlement and Disciplinary Order shall be
11 submitted to the Board for its consideration in the above-entitled matter and, further, that the
12 Board shall have a reasonable period of time in which to consider and act on this Stipulated
13 Settlement and Disciplinary Order after receiving it. By signing this stipulation, Respondent fully
14 understands and agrees that she may not withdraw her agreement or seek to rescind this
15 stipulation prior to the time the Board considers and acts upon it.

16 11. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null
17 and void and not binding upon the parties unless approved and adopted by the Board, except for
18 this paragraph, which shall remain in full force and effect. Respondent fully understands and
19 agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and
20 Disciplinary Order, the Board may receive oral and written communications from its staff and/or
21 the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify
22 the Board, any member thereof, and/or any other person from future participation in this or any
23 other matter affecting or involving Respondent. In the event that the Board does not, in its
24 discretion, approve and adopt this Stipulated Settlement and Disciplinary Order, with the
25 exception of this paragraph, it shall not become effective, shall be of no evidentiary value
26 whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party
27 hereto. Respondent further agrees that should this Stipulated Settlement and Disciplinary Order
28 be rejected for any reason by the Board, Respondent will assert no claim that the Board, or any

1 member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this
2 Stipulated Settlement and Disciplinary Order or of any matter or matters related hereto.

3 **ADDITIONAL PROVISIONS**

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

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

10 14. In consideration of the foregoing admissions and stipulations, the parties agree that
11 the Board may, without further notice or formal proceeding, issue and enter the following
12 Disciplinary Order:

13 **DISCIPLINARY ORDER**

14 IT IS HEREBY ORDERED that Midwife Certificate No. LM 384 issued to Respondent
15 Tammy Theresa Stokes, L.M., shall be and is hereby publicly reprimanded. This public
16 reprimand, which is issued in connection with the First Amended Accusation No. 800-2016-
17 028082, is as follows:

18 From on or about September 17, 2014, through on or about December 12, 2016,
19 Respondent committed repeated negligent acts and failed to maintain adequate and accurate
20 medical records in her care and treatment of Patients A, B, C, D, E, F, and G, as more fully
21 described in the First Amended Accusation No. 800-2016-028082.

22 1. **EDUCATION COURSE.** Within one (1) year of the effective date of this Decision,
23 Respondent shall complete not less than forty (40) hours of Continuing Medical Education
24 (CME). The CME courses shall be aimed at correcting any areas of deficient practice or
25 knowledge in the practice of midwifery. The forty (40) hours of CME shall be at Respondent's
26 expense and shall be in addition to the CME requirements for renewal of licensure. Respondent
27 shall submit proof of completion to the Board or its designee.

28 ///

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

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

15 Respondent shall submit a certification of successful completion to the Board or its
16 designee not later than 15 calendar days after successfully completing the course, or not later than
17 15 calendar days after the effective date of the Decision, whichever is later.

18 3. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
19 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
20 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
21 Respondent shall participate in and successfully complete that program. Respondent shall
22 provide any information and documents that the program may deem pertinent. Respondent shall
23 successfully complete the classroom component of the program not later than six (6) months after
24 Respondent's initial enrollment, and the longitudinal component of the program not later than the
25 time specified by the program, but no later than one (1) year after attending the classroom
26 component. The professionalism program shall be at Respondent's expense and shall be in
27 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

28 ///

1 A professionalism program 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 program would have
4 been approved by the Board or its designee had the program 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 program or not later
8 than 15 calendar days after the effective date of the Decision, whichever is later.

9 4. COST RECOVERY. Respondent shall reimburse the Board the costs of the
10 investigation and prosecution of this case, which are \$8,000.00, within one (1) year of the
11 effective date of this Decision and Order. The sum of \$8,000.00 shall be paid in full directly to
12 the Board within twelve (12) months from the effective date of this Decision and Order.
13 Respondent may separate the payment into four (4) equal quarterly payments of \$2,000.00 each.
14 The filing of bankruptcy by Respondent shall not relieve Respondent of her responsibility to
15 reimburse the Board for these costs. Failure to reimburse the Board's cost of investigation and
16 prosecution shall constitute unprofessional conduct and grounds for discipline.

17 ACCEPTANCE

18 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
19 discussed it with my attorney, Peter R. Osinoff, Esq. I fully understand the stipulation and the
20 effect it will have on my Midwife Certificate No. LM 384. I enter into this Stipulated Settlement
21 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
22 Decision and Order of the Medical Board of California.

23
24 DATED: 4/27/2020


25 TAMMY THERESA STOKES, L.M.
26 Respondent

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///

1 I have read and fully discussed with Respondent Tammy Theresa Stokes, L.M., the terms
2 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
3 Order. I approve its form and content.

4
5 DATED: May 1, 2020 *Peter Osinoff*
6 PETER R. OSINOFF, ESQ.
7 *Attorney for Respondent*

8 **ENDORSEMENT**

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

11 DATED: _____

12 Respectfully submitted,
13 XAVIER BECERRA
14 Attorney General of California
15 MATTHEW M. DAVIS
16 Supervising Deputy Attorney General

17 LEANNA E. SHIELDS
18 Deputy Attorney General
19 *Attorneys for Complainant*

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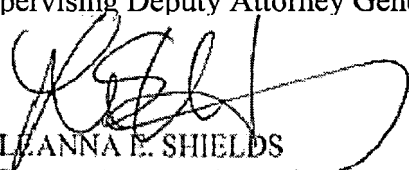
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1 I have read and fully discussed with Respondent Tammy Theresa Stokes, L.M., the terms
2 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
3 Order. I approve its form and content.

4
5 DATED: _____
6 PETER R. OSINOFF, ESQ.
7 *Attorney for Respondent*

8 **ENDORSEMENT**

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

11 DATED: 5/7/2020 _____ Respectfully submitted,
12
13 XAVIER BECERRA
14 Attorney General of California
15 MATTHEW M. DAVIS
16 Supervising Deputy Attorney General
17 
18 LEANNA E. SHIELDS
19 Deputy Attorney General
20 *Attorneys for Complainant*

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Exhibit A

First Amended Accusation No. 800-2016-028082

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Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 LEANNA E. SHIELDS
Deputy Attorney General
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7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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

13 In the Matter of the First Amended Accusation
14 Against:

Case No. 800-2016-028082

15 **TAMMY THERESA STOKES, L.M.**
35385 Beech Avenue
16 Yucaipa, CA 92399-3923

FIRST AMENDED ACCUSATION

17 Midwife Certificate No. LM 384,

(Cal. Gov. Code, § 11507.)

18 Respondent.

19
20 **PARTIES**

21 1. Christine J. Lally (Complainant) brings this First Amended Accusation solely in her
22 official capacity as the Interim Executive Director of the Medical Board of California.

23 2. On or about December 27, 2013, the Medical Board of California issued Midwife
24 Certificate No. LM 384 to Tammy Theresa Stokes, L.M. (Respondent). The Midwife Certificate
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 August 31, 2021, unless renewed.

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28 ///

JURISDICTION

1
2 3. This First Amended Accusation, which supersedes the Accusation filed on November
3 18, 2019, in the above-entitled matter, is brought before the Medical Board of California (Board)
4 for the Department of Consumer Affairs, under the authority of the following laws. All section
5 references are to the Business and Professions Code (Code) unless otherwise indicated.

6 4. Section 2519 of the Code states, in pertinent part:

7 The board may suspend, revoke, or place on probation the license of a midwife
8 for any of the following:

9 (a) Unprofessional conduct, which includes, but is not limited to, all of the
10 following:

11 (1) Incompetence or gross negligence in carrying out the usual functions of a
12 licensed midwife.

12 ...

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

15 ...

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

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

19 ...

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

23 (1) An initial negligent diagnosis followed by an act or omission medically
24 appropriate for that negligent diagnosis of the patient shall constitute a single
25 negligent act.

25 (2) When the standard of care requires a change in the diagnosis, act, or
26 omission that constitutes the negligent act described in paragraph (1), including, but
27 not limited to, a reevaluation of the diagnosis or a change in treatment, and the
28 licensee's conduct departs from the applicable standard of care, each departure
constitutes a separate and distinct breach of the standard of care.

28 ...

1 11. On or about April 21, 2016, a prescription for progesterone was filled by Patient A.
2 According to I.C. Pharmacy records, the prescription was issued over the phone by Respondent,
3 who indicated the prescription was authorized by M.K.

4 12. On or about April 21, 2016, M.K. received a fax request from I.C. Pharmacy to
5 authorize a refill of Patient A's prescription for testosterone.

6 13. M.K. was not a treatment provider for Patient A and M.K. did not issue or otherwise
7 authorize any prescriptions for Patient A.

8 **Patient B**

9 14. On or about November 6, 2015, a prescription for NuvaRing⁴ was filled by Patient B,
10 a then 25-year-old female. According to R.A. Pharmacy records, the prescription was issued over
11 the phone on October 22, 2015, by Respondent, who indicated the prescription was authorized by
12 M.K.

13 15. On or about January 7, 2016, March 24, 2016, June 28, 2016, and September 16,
14 2016, Patient B obtained refills for NuvaRing from R.A. Pharmacy under the same prescription.

15 16. On or about December 12, 2016, M.K. received a fax request from R.A. pharmacy to
16 authorize a refill of Patient B's prescription for NuvaRing.

17 17. M.K. was not a treatment provider for Patient B and M.K. did not issue or otherwise
18 authorize any prescriptions for Patient B.

19 **Patient C**

20 18. On or about October 20, 2015, a prescription for progesterone was filled by Patient C,
21 a then 23-year-old female. According to I.C. Pharmacy records, the prescription was issued over
22 the phone on October 20, 2015, by Respondent, who indicated the prescription was authorized by
23 M.K.

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26 _____
27 ⁴ NuvaRing is a vaginal ring containing a combination of hormone medication used to prevent
28 pregnancy. It is a dangerous drug pursuant to Business and Professions Code section 4022.

1 19. On or about November 5, 2015, a prescription for Nitrofurantoin⁵ and penicillin⁶ was
2 filled by Patient C. According to R.A. Pharmacy records, the prescription was authorized by
3 M.K.

4 20. M.K. was not a treatment provider for Patient C and M.K. did not issue or otherwise
5 authorize any prescription for Patient C.

6 **Patient D**

7 21. On or about September 17, 2014, a prescription for progesterone was filled by Patient
8 D, a then 26-year-old female. According to I.C. Pharmacy records, the prescription was issued
9 over the phone on September 17, 2014, by Respondent, who indicated the prescription was
10 authorized by M.K.

11 22. M.K. was not a treatment provider for Patient D and M.K. did not issue or otherwise
12 authorize any prescription for Patient D.

13 **Patient E**

14 23. On or about June 19, 2015, a prescription for progesterone was filled by Patient E, a
15 then 34-year-old female. According to I.C. Pharmacy records, the prescription was issued over
16 the phone on June 19, 2015, by Respondent, who indicated the prescription was authorized by
17 M.K.

18 24. On or about July 17, 2015, August 24, 2015, and September 17, 2015, Patient E
19 obtained refills for progesterone from I.C. Pharmacy under the same prescription.

20 25. M.K. was not a treatment provider for Patient E and M.K. did not issue or otherwise
21 authorize any prescription for Patient E.

22 **Patient F**

23 26. On or about October 2, 2015, a prescription for progesterone was filled by Patient F, a
24 then 31-year-old female. According to I.C. Pharmacy records, the prescription was issued over
25 _____

26 ⁵ Nitrofurantoin is an antibiotic used to treat or prevent certain bladder infections. It is a
27 dangerous drug pursuant to Business and Professions Code section 4022.

28 ⁶ Penicillin is an antibiotic used to treat a wide range of infections. It is a dangerous drug pursuant
to Business and Professions Code section 4022.

1 the phone on September 16, 2015, by Respondent, who indicated the prescription was authorized
2 by M.K.

3 27. M.K. was not a treatment provider for Patient F and M.K. did not issue or otherwise
4 authorize any prescription for Patient F.

5 **Patient G**

6 28. On or about October 14, 2014, a prescription for progesterone was filled by Patient G,
7 a then 32-year-old female. According to I.C. Pharmacy records, the prescription was authorized
8 by M.K.

9 29. According to medical records for Patient G, Respondent provided care and treatment
10 to Patient G from on or about October 13, 2014, through on or about February 5, 2015.

11 30. M.K. was not a treatment provider for Patient G and M.K. did not issue or otherwise
12 authorize any prescription for Patient G.

13 31. Respondent committed incompetence or gross negligence in her care and treatment of
14 Patients A, B, C, D, E, F, and G, including, but not limited to, the following:

15 A. Paragraphs 8 through 30, above, are hereby incorporated by reference as if fully set
16 forth herein; and

17 B. Respondent failed to document and/or obtain authorization and/or consent from M.K.
18 prior to issuing new and/or refill prescriptions to Patients A, B, C, D, E, F, and G, under
19 M.K.'s furnishing license.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Repeated Negligent Acts)**

22 32. Respondent has further subjected her Midwife Certificate No. LM 384 to disciplinary
23 action under section 2519, as defined by sections 2519, subdivision (e), and 2234, subdivision (c),
24 of the Code, in that Respondent committed repeated negligent acts in her care and treatment of
25 patients A, B, C, D, E, F, and G, as more particularly alleged hereinafter:

26 A. Paragraphs 8 through 31, above, are incorporated by reference and realleged as if
27 fully set forth herein;

28 ///

1 B. Respondent failed to document and/or obtain authorization and/or consent from M.K.
2 prior to issuing prescription refills to Patients A, B, C, D, E, F, and G, under M.K.'s
3 furnishing license; and

4 C. Respondent failed to document the issuance of prescriptions to Patients B and G.

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(Failure to Maintain Complete and Accurate Health Care Records)**

7 33. Respondent has further subjected her Midwife Certificate No. LM 384 to disciplinary
8 action under section 2519, as defined by section 2519, subdivision (a)(1), of the Code, in that
9 Respondent failed to maintain complete and accurate health care records in her care and treatment
10 of patients B and G, as more particularly alleged above, in paragraphs 8 through 32, which are
11 incorporated by reference and realleged as if fully set forth herein.

12 **FOURTH CAUSE FOR DISCIPLINE**

13 **(General Unprofessional Conduct)**

14 34. Respondent has further subjected her Midwife Certificate No. LM 384 to disciplinary
15 action under section 2519 of the Code, in that Respondent committed general unprofessional
16 conduct in that she engaged in conduct which breaches the rules or ethical code of the medical
17 profession, or conduct which is unbecoming to a member in good standing of the medical
18 profession, and which demonstrates an unfitness to practice medicine, in her care and treatment of
19 Patients A, B, C, D, E, F, and G, as more particularly alleged above, in paragraphs 8 through 33,
20 which are incorporated by reference and realleged as if fully set forth herein.

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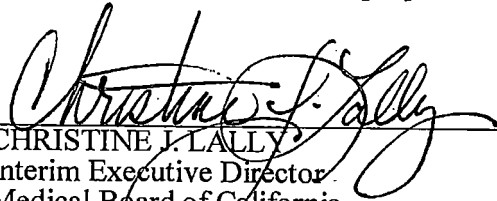
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PRAYER

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 Midwife Certificate No. LM 384, issued to Respondent Tammy Theresa Stokes, L.M.;
2. Ordering Respondent Tammy Theresa Stokes, L.M. to pay the Medical Board of California the reasonable costs of the investigation and enforcement of this case, and, if placed on probation, the costs of probation monitoring; and
3. Taking such other and further action as deemed necessary and proper.

DATED: November 21, 2019


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

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