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

In the Matter of the Accusation Against:

Maureen Fulchiero Gordon, M.D.

Physician's & Surgeon's Certificate No. A 24979 Case No. 800-2018-045767

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 December 31, 2020.

IT IS SO ORDERED December 3, 2020.

MEDICAL BOARD OF CALIFORNIA

Ronald H. Lewis, M.D., Chair Panel A

、1	XAVIER BECERRA		
2	Attorney General of California JUDITH T. ALVARADO Supervising Deputy Attorney General PEGGIE BRADFORD TARWATER Deputy Attorney General State Bar No. 169127		
3			
4			
5	California Department of Justice		
6	300 South Spring Street, Suite 1702 Los Angeles, CA 90013		
7	Telephone: (213) 269-6448 Facsimile: (916) 731-2117 E-mail: Peggie.Tarwater@doj.ca.gov		
8	Attorneys for Complainant		
9			
10	BEFORE THE MEDICAL BOARD OF CALIFORNIA		
11	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
12			
13	In the Matter of the Accusation Against:	Case No. 800-2018-045767	
14	MAUREEN FULCHIERO GORDON, M.D.	OAH No. 2020050855	
15	11980 San Vicente Blvd. Suite 704 Los Angeles, CA 90049		
16	Physician's and Surgeon's Certificate No. A 24979	STIPULATED SETTLEMENT AND DISCIPLINARY ORDER	
17 18	Respondent.		
19			
20	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-		
20	entitled proceedings that the following matters are true:		
21	PARTIES		
22	1. William Prasifka (Complainant) is the Executive Director of the Medical Board of		
24	California (Board). He brought this action solely in his official capacity and is represented in this		
25	matter by Xavier Becerra, Attorney General of the State of California, by Peggie Bradford		
26	Tarwater, Deputy Attorney General.		
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2. Respondent Maureen Fulchiero Gordon, M.D. (Respondent) is represented in this
 proceeding by attorney Raymond J. McMahon, whose address is: 5440 Trabuco Road
 Irvine, California 92620.

On September 13, 1972, the Board issued Physician's and Surgeon's Certificate No. A
 24979 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all
 times relevant to the charges brought in Accusation No. 800-2018-045767, and will expire on
 March 31, 2021, unless renewed.

JURISDICTION

9 4. Accusation No. 800-2018-045767 was filed before the Board, and is currently
10 pending against Respondent. The Accusation and all other statutorily required documents were
11 properly served on Respondent on December 9, 2019. Respondent timely filed her Notice of
12 Defense contesting the Accusation.

13 5. A copy of Accusation No. 800-2018-045767 is attached as Exhibit A and
14 incorporated herein by reference.

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ADVISEMENT AND WAIVERS

Respondent has carefully read, fully discussed with counsel, and understands the
 charges and allegations in Accusation No. 800-2018-045767. Respondent has also carefully read,
 fully discussed with her counsel, and understands the effects of this Stipulated Settlement and
 Disciplinary Order.

7. 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.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation
 No. 800-2018-045767, if proven at a hearing, constitute cause for imposing discipline upon her
 Physician's and Surgeon's Certificate.

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10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a *prima facie* case with respect to the charges and allegations contained in Accusation No. 800-2018-045767, and that Respondent hereby gives up her right to contest those charges.

9 11. Respondent agrees that her Physician's and Surgeon's Certificate is subject to
10 discipline and she agrees to be bound by the Board's terms as set forth in the Disciplinary Order
11 below.

CONTINGENCY

12. This stipulation shall be subject to approval by the Medical Board of California. 13 Respondent understands and agrees that counsel for Complainant and the staff of the Medical 14 Board of California may communicate directly with the Board regarding this stipulation and 15 settlement, without notice to or participation by Respondent or her counsel. By signing the 16 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek 17 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails 18 19 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary 20 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 21 considered this matter. 22

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:

STIPULATED SETTLEMENT (MAUREEN FULCHIERO GORDON, M.D., Case No. 800-2018-045767)

DISCIPLINARY ORDER

1. <u>PUBLIC REPRIMAND</u>

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 24979 issued to Respondent Maureen Fulchiero Gordon, M.D. is publicly reprimanded pursuant to Business and Professions Code section 2227, subdivision (a)(4). This Public Reprimand is issued in connection with the allegations relating to Respondent's care and treatment of Patient 1, as set forth in Accusation No. 800-2018-045767.

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PRESCRIBING PRACTICES COURSE.

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

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

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

3. <u>MEDICAL RECORD KEEPING COURSE</u>. Within 60 calendar days of the
 effective date of this Decision, Respondent shall enroll in a course in medical record keeping
 approved in advance by the Board or its designee. Respondent shall provide the approved course

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provider with any information and documents that the approved course provider may deem
 pertinent. Respondent shall participate in and successfully complete the classroom component of
 the course not later than six months after Respondent's initial enrollment. Respondent shall
 successfully complete any other component of the course within one year of enrollment. The
 medical record keeping course shall be at Respondent's expense and shall be in addition to the
 CME requirements for renewal of licensure.

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

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

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FAILURE TO COMPLY.

Any failure to 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.

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FUTURE ADMISSIONS CLAUSE.

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 action agency in the State of
California, all of the charges and allegations contained in Accusation No. 800-2018-045767 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 license.

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STIPULATED SETTLEMENT (MAUREEN FULCHIERO GORDON, M.D., Case No. 800-2018-045767)

1	ACCEPTANCE	
2 .	I have carefully read the above Stipulated Settlement and Disciplinary Order and have ful	
3	discussed it with my attorney, Raymond J. McMahon. I understand the stipulation and the effe	
t	it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement	
5	and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the	
5	Decision and Order of the Medical Board of California.	
!		
3	DATED: 10/05-12020 Maune Fulchers Honder, M.D., MAUREEN FULCHIERO GORDON, M.D.	
,	MAUREEN FULCHIERO GORDON, M.D. Respondent	
•	I have read and fully discussed with Respondent Maureen Fulchiero Gordon, M.D. the	
	terms and conditions and other matters contained in the above Stipulated Settlement and	
	Disciplinary Order. I approve its form and confent.	
	DATED: Atol 8, 2020 15m Mp	
	RAYMOND J. MCMAHON Attorney for Respondent	
1	RAYMOND J. MCMAHON	
	RAYMOND J. MCMAHON	
	RAYMOND J. MCMAHON Attorney for Respondent	
	RAYMOND J. MCMAHON Attorney for Respondent ENDORSEMENT	
	RAYMOND J. MCMAHON Attorney for Respondent ENDORSEMENT The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.	
	RAYMOND J. MCMAHON Attorney for Respondent ENDORSEMENT The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully	
	RAYMOND J. MCMAHON Attorney for Respondent ENDORSEMENT The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California. DATED: Respectfully submitted, XAVIER BECERRA Attorney General of California	
	RAYMOND J. MCMAHON Attorney for Respondent ENDORSEMENT The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California. DATED: Respectfully submitted, XAVIER BECERRA Attorney General of California JUDITH T. ALVARADO	
	RAYMOND J. MCMAHON Attorney for Respondent ENDORSEMENT The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California. DATED: Respectfully submitted, XAVIER BECERRA Attorney General of California	
	RAYMOND J. MCMAHON Attorney for Respondent ENDORSEMENT The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California. DATED:	
	RAYMOND J. MCMAHON Attorney for Respondent ENDORSEMENT The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California. DATED: Respectfully submitted, XAVIER BECERRA Attorney General of California JUDITH T. ALVARADO Supervising Deputy Attorney General Peggie B Parwater Peggie B Parwater Peggie B Peggie B Peggie B Pate 2020.10.13 10:52:58 -0700' PEGGIE BRADFORD TARWATER Deputy Attorney General	
	RAYMOND J. MCMAHON Attorney for Respondent ENDORSEMENT The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California. DATED: Respectfully submitted, XAVIER BECERRA Attorney General of California JUDITH T. ALVARADO Supervising Deputy Attorney General Peggie B Tarwater Peggie B Peggie B	
	RAYMOND J. MCMAHON Attorney for Respondent ENDORSEMENT The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California. DATED:	
	RAYMOND J. MCMAHON Attorney for Respondent ENDORSEMENT The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California. DATED: Respectfully submitted, XAVIER BECERRA Attorney General of California JUDITH T. ALVARADO Supervising Deputy Attorney General Peggie B Tarwater Peggie B Peggie B	

Exhibit A

Accusation No. 800-2018-045767

•	1	FILED		
ļ		STATE OF CALIFORNIA		
		MEDICAL BOARD OF CALIFORNIA		
1	XAVIER BECERRA	SACRAMENTO Dec. 9 20 19		
2	Attorney General of California ROBERT MCKIM BELL	BY A. CEREMIA ANALYST		
3	Supervising Deputy Attorney General PEGGIE BRADFORD TARWATER	· · ·		
4	Deputy Attorney General State Bar No. 169127 California Department of Justice			
5	300 South Spring Street, Suite 1702 Los Angeles, CA 90013			
. 6	Telephone: (213) 269-6448 Facsimile: (916) 731-2117	· · · ·		
7	E-mail: Peggie.Tarwater@doj.ca.gov Attorneys for Complainant	'		
8				
9	BEFORE T			
10	MEDICAL BOARD OF DEPARTMENT OF CON			
	STATE OF CAL			
11				
12				
13	AGAINST:	ase No. 800-2018-045767		
14	MAUREEN FULCHIERO GORDON, M.D.	CCUSATION		
15	11980 San Vicente Boulevard, Suite 704	•		
16	Los Angeles, California 90049			
17	Physician's and Surgeon's Certificate No. A 24979,			
18	Respondent.			
19				
20	D A DUTT			
21	PARTIE PARTIE	<u>a</u>		
21 22	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 (Board).			
24	2. On September 13, 1972, the Board issued Physician's and Surgeon's Certificate			
25	Number A 24979 to Maureen Fulchiero Gordon, M.D. (Respondent). That license was in full			
	force and effect at all times relevant to the charges brought herein and will expire on March 31,			
26 27	2021, unless renewed.			
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	MAUREEN FULCHIERO GOR	DON, M.D.) ACCUSATION NO. 800-2018-045767		

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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 provides that a licensee who is found guilty under the		
6	Medical Practice Act may have his or her license revoked, suspended for a period not to exceed		
7	one year, placed on probation and required to pay the costs of probation monitoring, or such other		
8	action taken in relation to discipline as the Board deems proper.		
9	5. Section 2234 of the Code, states, in pertinent part:		
10	The board shall take action against any licensee who is charged with		
11	unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:		
12	(a) Violating or attempting to violate, directly or indirectly, assisting in or		
13	abetting the violation of, or conspiring to violate any provision of this chapter.		
14	(b) Gross negligence.		
15	(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 separate and distinct departure from the applicable standard of care shall constitute		
16	repeated negligent acts.		
17	(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single		
18	negligent act.		
19	••••		
20	6. Section 2266 of the Code states: "The failure of a physician and surgeon to maintain		
21	adequate and accurate records relating to the provision of services to their patients constitutes		
22	unprofessional conduct."		
23	DRUG DEFINITIONS		
24	7. Acetaminophen with codeine (aka Tylenol #4) is a narcotic drug containing 300 mg.		
25	of acetaminophen and 60 mg. of codeine. It is used to treat mild to moderate pain. It is classified		
26	as a Schedule III controlled substance.		
27	8. Zolpidem (aka Ambien) is a sedative-hypnotic prescribed for the short-term treatment		
28	of insomnia. It is classified as a Schedule IV controlled substance.		
	2		
	(MAUREEN FULCHIERO GORDON, M.D.) ACCUSATION NO. 800-2018-045767		

1	9. Clonazepam (aka Klonopin) is an anti-seizure medication that is also used to treat			
2	panic attacks. It is classified as a Schedule IV controlled substance.			
3	10.	10. Amoxicillin clavulanate (aka Augmentin) is an antibiotic used to treat a variety of		
4	bacterial in	bacterial infections.		
5	11. Azithromycin (aka Z-Pak) is an antibiotic used to treat a variety of bacterial			
6	infections.			
7	12. Oseltamivir (aka Tamiflu) is an antiviral medication that blocks the influenza virus.			
8	13. The drugs defined in Paragraphs 7 through 12 are dangerous drugs, pursuant to			ugs, pursuant to
9	section 4022 of the Code.			
10		FIRST C	AUSE FOR DISCIPLINE	
11		(Gross Negligence)	
12	14. Respondent Maureen Fulchiero Gordon, M.D. is subject to disciplinary action under			iplinary action under
13	section 2234, subdivision (b), of the Code in that she was grossly negligent in her care and			in her care and
14	treatment of Patient 1.			
15	15. Respondent practices medicine as a psychiatrist.			
16	16. Respondent is married to Patient 1, who is also a licensed physician.			
17	17. Respondent prescribed the following drugs to Patient 1:			
18	DATE	DRUG	DOSE	PILLS/REFILLS
19	7/29/2015	Klonopin	.5 mg, one pill twice per day	40/0
	11/0/2010	Augmentin	500/125 mg., one pill twice per day for 10 days	20/0
20	11/10/201		5 mg., 1 to 2 pills at bedtime	30/0
21	11/11/16	Tamiflu Ambien	75 mg., one pill twice per day	10/1 30/0
22	1/9/2017	Z-Pak	10 mg., as needed for sleep 250 mg, two pills on day one,	6/0
i	1/9/2017	Tylenol #4	then one pill per day 300/60 mg., 1 pill every 12	60/0
23	3/7/2017	Ambien	hours 5 mg., one to two pills at	30/0
24	4/14/2017		bedtime 300/60 mg., 1 pill every 12	60/1
25		· ·	hours as needed	
26	5/2/2017	Ambien	5 mg., one to two pills at bedtime	30/5
27	6/23/2017		300/60 mg., one pill every 8 hours as needed	60/1
28	9/12/2017	Tylenol #4	300/60 mg., one pill every 8	60/0
			3 CHIERO GORDON M.D.) ACCUSATIO	

		hours as needed	
9/16/2017	Z-Pak	250 mg., 2 pills on day one, then one pill per day	6/0
11/28/2017	Ambien	5 mg., one to two pills at bedtime	30/4
12/8/2017	Tylenol #4	300/60 mg., one pill every 8 hours as needed	60/0
12/21/2017	Ambien	10 mg., one pill at bedtime	30/0
5/25/2018	Ambien	10 mg., one pill at bedtime	30/0
7/11/2018	Ambien	10 mg., one pill at bedtime	30/3

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18. The standard of care requires that a physician keep legible, timely, and accurate medical records for all medical care rendered. Prescribing medications constitutes medical care.

9 19. The standard of care requires that a physician generally refrain from prescribing
10 medications to oneself or one's own family members, except in limited situations, such as
11 providing care limited in scope and duration to a family member needing minor care or in a true
12 emergency situation.

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20. From at least July 2015 through July 2018, Respondent prescribed dangerous drugs, including controlled substances to Patient 1.

15 21. Respondent failed to prepare or maintain medical records detailing her clinical
16 observations and providing her rationale for prescribing antibiotics, controlled substances, and
17 antiviral medication that she prescribed to Patient 1.

18 22. Respondent prescribed dangerous drugs, including controlled substances, to Patient 1,
19 a family member, over an extended period of time.

20 23. The pattern of prescribing demonstrates that Respondent prescribed dangerous drugs
 21 in a manner that was neither limited in scope nor consisting of minor care or an emergency
 22 situation.

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24. Respondent was grossly negligent in the care and treatment of Patient 1 as follows:

a. Respondent prescribed dangerous drugs, including controlled substances, to
Patient 1 without documenting an appropriate medical examination;

b. Respondent regularly prescribed medications, including controlled substance to
Patient 1, her husband, under circumstances that did not warrant such prescribing.

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(MAUREEN FULCHIERO GORDON, M.D.) ACCUSATION NO. 800-2018-045767

1	25. Respondent's acts and omissions as set forth above whether proven individually,		
2	jointly or in some combination thereof constitute gross negligence in violation of section 2234,		
3	subdivision (b), of the Code, and Respondent's license is subject to discipline.		
4	SECOND CAUSE FOR DISCIPLINE		
5	(Repeated Negligent Acts)		
6	26. Respondent's acts and omissions, as set forth in the First Cause for Discipline,		
7	constitute repeated negligent acts in violation of section 2234, subdivision (c), of the Code, and		
8	Respondent's license is subject to discipline.		
9	THIRD CAUSE FOR DISCIPLINE		
10	(Failure to Maintain Adequate and Accurate Records)		
11	27. Respondent's acts and omissions, as set forth in the First Cause for Discipline		
12	demonstrate a failure to maintain adequate and accurate records, in violation of section 2266 of		
13	the Code, and Respondent's license is subject to discipline.		
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	(MAUREEN FULCHIERO GORDON, M.D.) ACCUSATION NO. 800-2018-045767		

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 Number A 24979,		
5	issued to Respondent Maureen Fulchiero Gordon, M.D.;		
6	2. Revoking, suspending or denying approval of Respondent's authority to supervise		
7	physician assistants and advanced practice nurses;		
8	3. If placed on probation, ordering Respondent to pay the Board the costs of probation		
9	monitoring; and		
10	4. Taking such other and further action as deemed necessary and proper.		
11	Alt lun		
12	DATED: December 9, 2019		
13	Interim Executive Director		
14	Medical Board of California Department of Consumer Affairs State of California		
15	Complainant		
16	LA2019504026		
17	Maureen Gordon Accusation.docx		
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