

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

In the Matter of the Petition to Revoke  
Probation Against:

Renee M. Dupont

Physician's and Surgeon's  
License No. A42799

Respondent.

Case No. 800-2020-069880

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 February 24, 2021.

IT IS SO ORDERED: January 25, 2021.

MEDICAL BOARD OF CALIFORNIA



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

1 XAVIER BECERRA  
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8 *Attorneys for Petitioner*

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

13 In the Matter of the Petition to Revoke  
14 Probation Against:  
15 **RENEE M. DUPONT, M.D.**  
16 **162 S. Rancho Santa Fe Road, Suite B-60**  
17 **Encinitas, CA 92024-4300**

18 **Physician's and Surgeon's Certificate**  
19 **No. A 42799,**

20 Respondent.

Case No. 800-2020-069880

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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

23 **PARTIES**

24 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of  
25 California (Board). He brought this action solely in his official capacity and is represented in this  
26 matter by Xavier Becerra, Attorney General of the State of California, by Christine A. Rhee,  
27 Deputy Attorney General.

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1 **CULPABILITY**

2 9. Respondent admits the truth of each and every charge and allegation in Petition to  
3 Revoke Probation No. 800-2020-069880.

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

7 **CONTINGENCY**

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

18 12. Respondent agrees that if she ever petitions for early termination or modification of  
19 probation, or if an accusation and/or petition to revoke probation is filed against her before the  
20 Board, all of the charges and allegations contained in Petition to Revoke Probation No. 800-2020-  
21 069880 shall be deemed true, correct and fully admitted by Respondent for purposes of any such  
22 proceeding or any other licensing proceeding involving Respondent in the State of California.

23 **ADDITIONAL PROVISIONS**

24 13. Pursuant to Business and Professions Code section 2307, Respondent is permitted to  
25 file a petition to terminate probation based on the effective date of the probationary order in Case  
26 No. 800-2016-025039.

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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 3. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this Decision,  
10 Respondent shall submit to the Board or its designee for prior approval the name and  
11 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who  
12 has a doctoral degree in psychology and at least five years of postgraduate experience in the  
13 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall  
14 undergo and continue psychotherapy treatment, including any modifications to the frequency of  
15 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

16 The psychotherapist shall consider any information provided by the Board or its designee  
17 and any other information the psychotherapist deems relevant and shall furnish a written  
18 evaluation report to the Board or its designee. Respondent shall cooperate in providing the  
19 psychotherapist with any information and documents that the psychotherapist may deem  
20 pertinent.

21 Respondent shall have the treating psychotherapist submit quarterly status reports to the  
22 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric  
23 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of  
24 probation, Respondent is found to be mentally unfit to resume the practice of medicine without  
25 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the  
26 period of probation shall be extended until the Board determines that Respondent is mentally fit  
27 to resume the practice of medicine without restrictions.

28 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

1           4.    CLINICAL DIAGNOSTIC EVALUATIONS AND REPORTS: Within thirty (30)  
2 calendar days of the effective date of this Decision, and on whatever periodic basis thereafter as  
3 may be required by the Board or its designee, Respondent shall undergo and complete a clinical  
4 diagnostic evaluation, including any and all testing deemed necessary, by a Board-appointed  
5 board certified physician and surgeon. The examiner shall consider any information provided by  
6 the Board or its designee and any other information he or she deems relevant, and shall furnish a  
7 written evaluation report to the Board or its designee.

8           The clinical diagnostic evaluation shall be conducted by a licensed physician and surgeon  
9 who holds a valid, unrestricted license, has three (3) years' experience in providing evaluations of  
10 physicians and surgeons with substance abuse disorders, and is approved by the Board or its  
11 designee. The clinical diagnostic evaluation shall be conducted in accordance with acceptable  
12 professional standards for conducting substance abuse clinical diagnostic evaluations. The  
13 evaluator shall not have a current or former financial, personal, or business relationship with  
14 Respondent within the last five (5) years. The evaluator shall provide an objective, unbiased, and  
15 independent evaluation. The clinical diagnostic evaluation report shall set forth, in the  
16 evaluator's opinion, whether Respondent has a substance abuse problem, whether Respondent is a  
17 threat to herself or others, and recommendations for substance abuse treatment, practice  
18 restrictions, or other recommendations related to Respondent's rehabilitation and ability to  
19 practice safely. If the evaluator determines during the evaluation process that Respondent is a  
20 threat to herself or others, the evaluator shall notify the Board within twenty-four (24) hours of  
21 such a determination.

22           In formulating his or her opinion as to whether Respondent is safe to return to either part-  
23 time or full-time practice and what restrictions or recommendations should be imposed, including  
24 participation in an inpatient or outpatient treatment program, the evaluator shall consider the  
25 following factors: Respondent's license type; Respondent's history; Respondent's documented  
26 length of sobriety (i.e., length of time that has elapsed since Respondent's last substance use);  
27 Respondent's scope and pattern of substance abuse; Respondent's treatment history, medical  
28 history and current medical condition; the nature, duration and severity of Respondent's

1 substance abuse problem or problems; and whether Respondent is a threat to herself or the public.

2 For all clinical diagnostic evaluations, a final written report shall be provided to the Board  
3 no later than ten (10) days from the date the evaluator is assigned the matter. If the evaluator  
4 requests additional information or time to complete the evaluation and report, an extension may  
5 be granted, but shall not exceed thirty (30) days from the date the evaluator was originally  
6 assigned the matter.

7 The Board shall review the clinical diagnostic evaluation report within five (5) business  
8 days of receipt to determine whether Respondent is safe to return to either part-time or full-time  
9 practice and what restrictions or recommendations shall be imposed on Respondent based on the  
10 recommendations made by the evaluator. Respondent shall not be returned to practice until she  
11 has at least thirty (30) days of negative biological fluid tests or biological fluid tests indicating  
12 that she has not used, consumed, ingested, or administered to herself a prohibited substance, as  
13 defined in section 1361.51, subdivision (e), of Title 16 of the California Code of Regulations.

14 Clinical diagnostic evaluations conducted prior to the effective date of this Decision shall  
15 not be accepted towards the fulfillment of this requirement. The cost of the clinical diagnostic  
16 evaluation, including any and all testing deemed necessary by the examiner, the Board or its  
17 designee, shall be borne by the licensee.

18 Respondent shall not engage in the practice of medicine until notified by the Board or its  
19 designee that she is fit to practice medicine safely. The period of time that Respondent is not  
20 practicing medicine shall not be counted toward completion of the term of probation. Respondent  
21 shall undergo biological fluid testing as required in this Decision at least two (2) times per week  
22 while awaiting the notification from the Board if she is fit to practice medicine safely.

23 Respondent shall comply with all restrictions or conditions recommended by the examiner  
24 conducting the clinical diagnostic evaluation within fifteen (15) calendar days after being notified  
25 by the Board or its designee.

26 5. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)  
27 days of the effective date of this Decision, Respondent shall provide to the Board the names,  
28 physical addresses, mailing addresses, and telephone numbers of any and all employers and



1 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's  
2 worksite monitor, and Respondent's employers and supervisors to communicate regarding  
3 Respondent's work status, performance, and monitoring.

4 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or  
5 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff  
6 privileges.

7 6. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to  
8 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.  
9 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair  
10 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall  
11 make daily contact with the Board or its designee to determine whether biological fluid testing is  
12 required. Respondent shall be tested on the date of the notification as directed by the Board or its  
13 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at  
14 any time, including weekends and holidays. Except when testing on a specific date as ordered by  
15 the Board or its designee, the scheduling of biological fluid testing shall be done on a random  
16 basis. The cost of biological fluid testing shall be borne by Respondent.

17 During the first year of probation, Respondent shall be subject to 52 to 104 random tests.  
18 During the second year of probation and for the duration of the probationary term, up to five (5)  
19 years, Respondent shall be subject to 36 to 104 random tests per year. Only if there has been no  
20 positive biological fluid tests in the previous five (5) consecutive years of probation, may testing  
21 be reduced to one (1) time per month. Nothing precludes the Board from increasing the number  
22 of random tests to the first-year level of frequency for any reason.

23 Prior to practicing medicine, Respondent shall contract with a laboratory or service,  
24 approved in advance by the Board or its designee, that will conduct random, unannounced,  
25 observed, biological fluid testing and meets all of the following standards:

- 26 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry  
27 Association or have completed the training required to serve as a collector for the United  
28 States Department of Transportation.

1 (b) Its specimen collectors conform to the current United States Department of  
2 Transportation Specimen Collection Guidelines.

3 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published  
4 by the United States Department of Transportation without regard to the type of test  
5 administered.

6 (d) Its specimen collectors observe the collection of testing specimens.

7 (e) Its laboratories are certified and accredited by the United States Department of Health  
8 and Human Services.

9 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day  
10 of receipt and all specimens collected shall be handled pursuant to chain of custody  
11 procedures. The laboratory shall process and analyze the specimens and provide legally  
12 defensible test results to the Board within seven (7) business days of receipt of the  
13 specimen. The Board will be notified of non-negative results within one (1) business day  
14 and will be notified of negative test results within seven (7) business days.

15 (g) Its testing locations possess all the materials, equipment, and technical expertise  
16 necessary in order to test Respondent on any day of the week.

17 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens  
18 for the detection of alcohol and illegal and controlled substances.

19 (i) It maintains testing sites located throughout California.

20 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line  
21 computer database that allows the Respondent to check in daily for testing.

22 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff  
23 access to drug test results and compliance reporting information that is available 24 hours a  
24 day.

25 (l) It employs or contracts with toxicologists that are licensed physicians and have  
26 knowledge of substance abuse disorders and the appropriate medical training to interpret  
27 and evaluate laboratory biological fluid test results, medical histories, and any other  
28 information relevant to biomedical information.

1 (m) It will not consider a toxicology screen to be negative if a positive result is obtained  
2 while practicing, even if Respondent holds a valid prescription for the substance.

3 Prior to changing testing locations for any reason, including during vacation or other travel,  
4 alternative testing locations must be approved by the Board and meet the requirements above.

5 The contract shall require that the laboratory directly notify the Board or its designee of  
6 non-negative results within one (1) business day and negative test results within seven (7)  
7 business days of the results becoming available. Respondent shall maintain this laboratory or  
8 service contract during the period of probation.

9 A certified copy of any laboratory test result may be received in evidence in any  
10 proceedings between the Board and Respondent.

11 If a biological fluid test result indicates Respondent has used, consumed, ingested, or  
12 administered to herself a prohibited substance, the Board shall order Respondent to cease practice  
13 and instruct Respondent to leave any place of work where Respondent is practicing medicine or  
14 providing medical services. The Board shall immediately notify all of Respondent's employers,  
15 supervisors and work monitors, if any, that Respondent may not practice medicine or provide  
16 medical services while the cease-practice order is in effect.

17 A biological fluid test will not be considered negative if a positive result is obtained while  
18 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited  
19 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

20 After the issuance of a cease-practice order, the Board shall determine whether the positive  
21 biological fluid test is in fact evidence of prohibited substance use by consulting with the  
22 specimen collector and the laboratory, communicating with the licensee, her treating physician(s),  
23 other health care provider, or group facilitator, as applicable.

24 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the  
25 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

26 For purposes of this condition, the term "prohibited substance" means an illegal drug, a  
27 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by

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1 Respondent and approved by the Board, alcohol, or any other substance Respondent has been  
2 instructed by the Board not to use, consume, ingest, or administer to herself.

3 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited  
4 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the  
5 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to  
6 any other terms or conditions the Board determines are necessary for public protection or to  
7 enhance Respondent's rehabilitation.

8 7. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days of  
9 the effective date of this Decision, Respondent shall submit to the Board or its designee, for its  
10 prior approval, the name of a substance abuse support group which she shall attend for the  
11 duration of probation. Respondent shall attend substance abuse support group meetings at least  
12 once per week, or as ordered by the Board or its designee. Respondent shall pay all substance  
13 abuse support group meeting costs.

14 The facilitator of the substance abuse support group meeting shall have a minimum of three  
15 (3) years experience in the treatment and rehabilitation of substance abuse, and shall be licensed  
16 or certified by the state or nationally certified organizations. The facilitator shall not have a  
17 current or former financial, personal, or business relationship with Respondent within the last five  
18 (5) years. Respondent's previous participation in a substance abuse group support meeting led by  
19 the same facilitator does not constitute a prohibited current or former financial, personal, or  
20 business relationship.

21 The facilitator shall provide a signed document to the Board or its designee showing  
22 Respondent's name, the group name, the date and location of the meeting, Respondent's  
23 attendance, and Respondent's level of participation and progress. The facilitator shall report any  
24 unexcused absence by Respondent from any substance abuse support group meeting to the Board,  
25 or its designee, within twenty-four (24) hours of the unexcused absence.

26 8. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within thirty  
27 (30) calendar days of the effective date of this Decision, Respondent shall submit to the Board or  
28 its designee for prior approval as a worksite monitor, the name and qualifications of one or more

1 licensed physician and surgeon, other licensed health care professional if no physician and  
2 surgeon is available, or, as approved by the Board or its designee, a person in a position of  
3 authority who is capable of monitoring Respondent at work.

4 The worksite monitor shall not have a current or former financial, personal, or familial  
5 relationship with Respondent, or any other relationship that could reasonably be expected to  
6 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its  
7 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite  
8 monitor, this requirement may be waived by the Board or its designee, however, under no  
9 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

10 The worksite monitor shall have an active unrestricted license with no disciplinary action  
11 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms  
12 and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth  
13 by the Board or its designee.

14 Respondent shall pay all worksite monitoring costs.

15 The worksite monitor shall have face-to-face contact with Respondent in the work  
16 environment on as frequent a basis as determined by the Board or its designee, but not less than  
17 once per week; interview other staff in the office regarding Respondent's behavior, if requested  
18 by the Board or its designee; and review Respondent's work attendance.

19 The worksite monitor shall verbally report any suspected substance abuse to the Board and  
20 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected  
21 substance abuse does not occur during the Board's normal business hours, the verbal report shall  
22 be made to the Board or its designee within one (1) hour of the next business day. A written  
23 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and  
24 any other information deemed important by the worksite monitor shall be submitted to the Board  
25 or its designee within 48 hours of the occurrence.

26 The worksite monitor shall complete and submit a written report monthly or as directed by  
27 the Board or its designee which shall include the following: (1) Respondent's name and  
28 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)

1 the worksite monitor's license number, if applicable; (4) the location or location(s) of the  
2 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the  
3 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;  
4 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can  
5 lead to suspected substance abuse by Respondent. Respondent shall complete any required  
6 consent forms and execute agreements with the approved worksite monitor and the Board, or its  
7 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

8 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)  
9 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior  
10 approval, the name and qualifications of a replacement monitor who will be assuming that  
11 responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a  
12 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the  
13 monitor, Respondent shall receive a notification from the Board or its designee to cease the  
14 practice of medicine within three (3) calendar days after being so notified. Respondent shall  
15 cease the practice of medicine until a replacement monitor is approved and assumes monitoring  
16 responsibility.

17 9. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING  
18 LICENSEES . Failure to fully comply with any term or condition of probation is a violation of  
19 probation.

20 A. If Respondent commits a major violation of probation as defined by section  
21 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take  
22 one or more of the following actions:

23 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical  
24 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of  
25 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice  
26 order issued by the Board or its designee shall state that Respondent must test negative for at least  
27 a month of continuous biological fluid testing before being allowed to resume practice. For  
28 purposes of determining the length of time a Respondent must test negative while undergoing

1 continuous biological fluid testing following issuance of a cease-practice order, a month is  
2 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until  
3 notified in writing by the Board or its designee that he or she may do so.

4 (2) Increase the frequency of biological fluid testing.

5 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or  
6 other action as determined by the Board or its designee.

7 B. If Respondent commits a minor violation of probation as defined by section  
8 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take  
9 one or more of the following actions:

10 (1) Issue a cease-practice order;

11 (2) Order practice limitations;

12 (3) Order or increase supervision of Respondent;

13 (4) Order increased documentation;

14 (5) Issue a citation and fine, or a warning letter;

15 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in  
16 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of  
17 Regulations, at Respondent's expense;

18 (7) Take any other action as determined by the Board or its designee.

19 C. Nothing in this Decision shall be considered a limitation on the Board's authority  
20 to revoke Respondent's probation if she has violated any term or condition of probation. If  
21 Respondent violates probation in any respect, the Board, after giving Respondent notice and the  
22 opportunity to be heard, may revoke probation and carry out the disciplinary order that was  
23 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed  
24 against Respondent during probation, the Board shall have continuing jurisdiction until the matter  
25 is final, and the period of probation shall be extended until the matter is final.

26 10. NOTIFICATION. Within seven (7) days of the effective date of this Decision,  
27 Respondent shall provide a true copy of this Decision and Petition to Revoke Probation to the  
28 Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership

1 are extended to Respondent, at any other facility where Respondent engages in the practice of  
2 medicine, including all physician and locum tenens registries or other similar agencies, and to the  
3 Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage  
4 to Respondent. Respondent shall submit proof of compliance to the Board or its designee within  
5 15 calendar days.

6 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

7 11. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE  
8 NURSES. During probation, Respondent is prohibited from supervising physician assistants and  
9 advanced practice nurses.

10 12. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules  
11 governing the practice of medicine in California and remain in full compliance with any court  
12 ordered criminal probation, payments, and other orders.

13 13. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations  
14 under penalty of perjury on forms provided by the Board, stating whether there has been  
15 compliance with all the conditions of probation.

16 Respondent shall submit quarterly declarations not later than 10 calendar days after the end  
17 of the preceding quarter.

18 14. GENERAL PROBATION REQUIREMENTS.

19 Compliance with Probation Unit

20 Respondent shall comply with the Board's probation unit.

21 Address Changes

22 Respondent shall, at all times, keep the Board informed of Respondent's business and  
23 residence addresses, email address (if available), and telephone number. Changes of such  
24 addresses shall be immediately communicated in writing to the Board or its designee. Under no  
25 circumstances shall a post office box serve as an address of record, except as allowed by Business  
26 and Professions Code section 2021, subdivision (b).

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1           Place of Practice

2           Respondent shall not engage in the practice of medicine in Respondent's or patient's place  
3 of residence, unless the patient resides in a skilled nursing facility or other similar licensed  
4 facility.

5           License Renewal

6           Respondent shall maintain a current and renewed California physician's and surgeon's  
7 license.

8           Travel or Residence Outside California

9           Respondent shall immediately inform the Board or its designee, in writing, of travel to any  
10 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty  
11 (30) calendar days.

12           In the event Respondent should leave the State of California to reside or to practice,  
13 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of  
14 departure and return.

15           15. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be  
16 available in person upon request for interviews either at Respondent's place of business or at the  
17 probation unit office, with or without prior notice throughout the term of probation.

18           16. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
19 its designee in writing within 15 calendar days of any periods of non-practice lasting more than  
20 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is  
21 defined as any period of time Respondent is not practicing medicine as defined in Business and  
22 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct  
23 patient care, clinical activity or teaching, or other activity as approved by the Board. If  
24 Respondent resides in California and is considered to be in non-practice, Respondent shall  
25 comply with all terms and conditions of probation. All time spent in an intensive training  
26 program which has been approved by the Board or its designee shall not be considered non-  
27 practice and does not relieve Respondent from complying with all the terms and conditions of  
28 probation. Practicing medicine in another state of the United States or Federal jurisdiction while

1 on probation with the medical licensing authority of that state or jurisdiction shall not be  
2 considered non-practice. A Board-ordered suspension of practice shall not be considered as a  
3 period of non-practice.

4 In the event Respondent's period of non-practice while on probation exceeds 18 calendar  
5 months, Respondent shall successfully complete the Federation of State Medical Boards's Special  
6 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program  
7 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model  
8 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

9 Respondent's period of non-practice while on probation shall not exceed two (2) years.

10 Periods of non-practice will not apply to the reduction of the probationary term.

11 Periods of non-practice for a Respondent residing outside of California will relieve  
12 Respondent of the responsibility to comply with the probationary terms and conditions with the  
13 exception of this condition and the following terms and conditions of probation: Obey All Laws;  
14 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol; and  
15 Biological Fluid Testing.

16 17. COMPLETION OF PROBATION. Respondent shall comply with all financial  
17 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the  
18 completion of probation. Upon successful completion of probation, Respondent's certificate shall  
19 be fully restored.

20 18. VIOLATION OF PROBATION. Failure to fully comply with any term or condition  
21 of probation is a violation of probation. If Respondent violates probation in any respect, the  
22 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and  
23 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke  
24 Probation, or an Interim Suspension Order is filed against Respondent during probation, the  
25 Board shall have continuing jurisdiction until the matter is final, and the period of probation shall  
26 be extended until the matter is final.

27 19. LICENSE SURRENDER. Following the effective date of this Decision, if  
28 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy

1 the terms and conditions of probation, Respondent may request to surrender her license. The  
2 Board reserves the right to evaluate Respondent's request and to exercise its discretion in  
3 determining whether or not to grant the request, or to take any other action deemed appropriate  
4 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
5 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its  
6 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject  
7 to the terms and conditions of probation. If Respondent re-applies for a medical license, the  
8 application shall be treated as a petition for reinstatement of a revoked certificate.

9 20. PROBATION MONITORING COSTS. Respondent shall pay the costs associated  
10 with probation monitoring each and every year of probation, as designated by the Board, which  
11 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of  
12 California and delivered to the Board or its designee no later than January 31 of each calendar  
13 year.

14 21. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for  
15 a new license or certification, or petition for reinstatement of a license, by any other health care  
16 licensing action agency in the State of California, all of the charges and allegations contained in  
17 Petition to Revoke Probation No. 800-2020-069880 shall be deemed to be true, correct, and  
18 admitted by Respondent for the purpose of any Statement of Issues or any other proceeding  
19 seeking to deny or restrict license.

20 ACCEPTANCE

21 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
22 discussed it with my attorney, David M. Balfour, Esq. I understand the stipulation and the effect  
23 it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement  
24 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
25 Decision and Order of the Medical Board of California.

26  
27 DATED: 12/29/20

  
RENEE M. DUPONT, M.D.  
Respondent

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

4  
5 DATED: December 23, 2020

  
6 DAVID M. BALFOUR, 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: \_\_\_\_\_

Respectfully submitted,

12 XAVIER BECERRA  
13 Attorney General of California  
14 ALEXANDRA M. ALVAREZ  
15 Supervising Deputy Attorney General

16 CHRISTINE A. RHEE  
17 Deputy Attorney General  
*Attorneys for Petitioner*

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

4  
5 DATED: \_\_\_\_\_

6 DAVID M. BALFOUR, 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: January 4, 2021

Respectfully submitted,

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

15 

16 CHRISTINE A. RHEE  
17 Deputy Attorney General  
*Attorneys for Petitioner*

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**Exhibit A**

**Petition to Revoke Probation No. 800-2020-069880**

1 XAVIER BECERRA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 CHRISTINE A. RHEE  
Deputy Attorney General  
4 State Bar No. 295656  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 738-9455  
7 Facsimile: (619) 645-2061

8 *Attorneys for Petitioner*

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

13 In the Matter of the Petition to Revoke  
14 Probation Against:  
15 **RENEE M. DUPONT, M.D.**  
16 **162 S. Rancho Santa Fe Road, Suite B-60**  
**Encinitas, CA 92024-4300**  
17 **Physician's and Surgeon's Certificate**  
**No. A 42799,**  
18 Respondent.

Case No. 800-2020-069880  
**PETITION TO REVOKE PROBATION**

19  
20 **PARTIES**

21 1. William Prasifka (Petitioner) brings this Petition to Revoke Probation solely in his  
22 official capacity as the Executive Director of the Medical Board of California, Department of  
23 Consumer Affairs (Board).

24 2. On or about June 23, 1986, the Medical Board issued Physician's and Surgeon's  
25 Certificate No. A 42799 to Renee M. Dupont, M.D. (Respondent). Physician's and Surgeon's  
26 Certificate No. A 42799 was in full force and effect at all times relevant to the charges brought  
27 herein and will expire on March 31, 2022, unless renewed.

28 ///

1 **DISCIPLINARY HISTORY**

2 3. In a disciplinary action entitled, "In the Matter of the Accusation Against: Renee M.  
3 Dupont, M.D.," Case No. 800-2016-025039, the Board issued a decision, effective November 27,  
4 2019, in which Respondent's Physician's and Surgeon's Certificate No. A 42799 was revoked.  
5 However, the revocation was stayed and Respondent's Physician's and Surgeon's Certificate No.  
6 A 42799 was placed on probation for a period of five (5) years with certain terms and conditions.  
7 A true and correct copy of that decision is attached as Exhibit A, and is incorporated by reference  
8 as if fully set forth herein.

9 **JURISDICTION**

10 4. This Accusation and Petition to Revoke Probation is brought before the Board, under  
11 the authority of the following laws and the Board's Decision in Case No. 800-2016-025039. All  
12 section references are to the Business and Professions Code (Code) unless otherwise indicated.

13 5. Section 2227 of the Code states, in pertinent part:

14 (a) A licensee whose matter has been heard by an administrative law judge of  
15 the Medical Quality Hearing Panel as designated in Section 11371 of the Government  
16 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:

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

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

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

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

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

25 ...

26 6. At all times after the effective date of Respondent's probation in Case No. 800-2016-  
27 025039, Condition No. 9 of respondent's probation provided the following, in pertinent part:

28 ///





1 12. On or about August 2, 2020, Respondent admitted to drinking a beer to her biological  
2 fluid testing monitor.

3 13. Respondent's probation is subject to revocation because she failed to comply with  
4 Condition No. 1 of her probation in Case No. 800-2016-025039.

5 **SECOND CAUSE TO REVOKE PROBATION**  
6 **(Failure to Comply with Required Biological Fluid Testing)**

7 14. At all times after the effective date of Respondent's probation in Case No. 800-2016-  
8 025039, Condition No. 6 of Respondent's probation provided the following:

9 6. Biological Fluid Testing. Respondent shall immediately submit to  
10 biological fluid testing, at Respondent's expense, upon request of the Board or its  
11 designee. "Biological fluid testing" may include, but is not limited to, urine, blood,  
12 breathalyzer, hair follicle testing, or similar drug screening approved by the Board or  
13 its designee. Respondent shall make daily contact with the Board or its designee to  
14 determine whether biological fluid testing is required. Respondent shall be tested on  
15 the date of the notification as directed by the Board or its designee. The Board may  
16 order a Respondent to undergo a biological fluid test on any day, at any time,  
17 including weekends and holidays. Except when testing on a specific date as ordered  
18 by the Board or its designee, the scheduling of biological fluid testing shall be done  
19 on a random basis. The cost of biological fluid testing shall be borne by Respondent.

20 During the first year of probation, Respondent shall be subject to 52 to 104  
21 random tests. During the second year of probation and for the duration of the  
22 probationary term, up to five (5) years, Respondent shall be subject to 36 to 104  
23 random tests per year. Only if there has been no positive biological fluid tests in the  
24 previous five (5) consecutive years of probation may testing be reduced to one (1)  
25 time per month. Nothing precludes the Board from increasing the number of random  
26 tests to the first-year level of frequency for any reason.

27 Prior to practicing medicine, Respondent shall contract with a laboratory or  
28 service, approved in advance by the Board or its designee, that will conduct random,  
unannounced, observed, biological fluid testing and meets all of the following  
standards:

(a) Its specimen collectors are either certified by the Drug and Alcohol Testing  
Industry Association or have completed the training required to serve as a collector  
for the United States Department of Transportation.

(b) Its specimen collectors conform to the current United States Department of  
Transportation Specimen Collection Guidelines.

(c) Its testing locations comply with the Urine Specimen Collection Guidelines  
published by the United States Department of Transportation without regard to the  
type of test administered.

(d) Its specimen collectors observe the collection of testing specimens.

///

1 (e) Its laboratories are certified and accredited by the United States Department  
2 of Health and Human Services.

3 (f) Its testing locations shall submit a specimen to a laboratory within one (1)  
4 business day of receipt and all specimens collected shall be handled pursuant to chain  
5 of custody procedures. The laboratory shall process and analyze the specimens and  
6 provide legally defensible test results to the Board within seven (7) business days of  
7 receipt of the specimen. The Board will be notified of non-negative results within  
8 one (1) business day and will be notified of negative test results within seven (7)  
9 business days.

10 (g) Its testing locations possess all the materials, equipment, and technical  
11 expertise necessary in order to test Respondent on any day of the week.

12 (h) Its testing locations are able to scientifically test for urine, blood, and hair  
13 specimens for the detection of alcohol and illegal and controlled substances.

14 (i) It maintains testing sites located throughout California.

15 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure  
16 on-line computer database that allows Respondent to check in daily for testing.

17 (k) It maintains a secure, HIPAA-compliant website or computer system that  
18 allows staff access to drug test results and compliance reporting information that is  
19 available 24 hours a day.

20 (l) It employs or contracts with toxicologists that are licensed physicians and  
21 have knowledge of substance abuse disorders and the appropriate medical training to  
22 interpret and evaluate laboratory biological fluid test results, medical histories, and  
23 any other information relevant to biomedical information.

24 (m) It will not consider a toxicology screen to be negative if a positive result is  
25 obtained while practicing, even if Respondent holds a valid prescription for the  
26 substance. Prior to changing testing locations for any reason, including during  
27 vacation or other travel, alternative testing locations must be approved by the Board  
28 and meet the requirements above.

The contract shall require that the laboratory directly notify the Board or its  
designee of non-negative results within one (1) business day and negative test results  
within seven (7) business days of the results becoming available. Respondent shall  
maintain this laboratory or service contract during the period of probation.

A certified copy of any laboratory test result may be received in evidence in any  
proceedings between the Board and Respondent.

If a biological fluid test result indicates Respondent has used, consumed,  
ingested, or administered to herself a prohibited substance, the Board shall order  
Respondent to cease practice and instruct Respondent to leave any place of work  
where Respondent is practicing medicine or providing medical services. The Board  
shall immediately notify all of Respondent's employers, supervisors and work  
monitors, if any, that Respondent may not practice medicine or provide medical  
services while the cease-practice order is in effect.

A biological fluid test will not be considered negative if a positive result is  
obtained while practicing, even if the practitioner holds a valid prescription for the

1 substance. If no prohibited substance use exists, the Board shall lift the cease-  
2 practice order within one (1) business day.

3 After the issuance of a cease-practice order, the Board shall determine whether  
4 the positive biological fluid test is in fact evidence of prohibited substance use by  
5 consulting with the specimen collector and the laboratory, communicating with the  
6 licensee, her treating physician(s), other health care provider, or group facilitator, as  
7 applicable.

8 For purposes of this condition, the terms "biological fluid testing" and "testing"  
9 mean the acquisition and chemical analysis of a Respondent's urine, blood, breath, or  
10 hair.

11 For purposes of this condition, the term "prohibited substance" means an illegal  
12 drug, a lawful drug not prescribed or ordered by an appropriately licensed health care  
13 provider for use by Respondent and approved by the Board, alcohol, or any other  
14 substance Respondent has been instructed by the Board not to use, consume, ingest,  
15 or administer to herself.

16 If the Board confirms that a positive biological fluid test is evidence of use of a  
17 prohibited substance, Respondent has committed a major violation, as defined in  
18 section 1361.52(a), and the Board shall impose any or all of the consequences set  
19 forth in section 1361.52(b), in addition to any other terms or conditions the board  
20 determines are necessary for public protection or to enhance Respondent's  
21 rehabilitation.

22 15. Respondent failed to check in to determine whether she had been selected to provide  
23 a biological fluid sample on or about July 13, 2020 and July 30, 2020.

24 16. Respondent's probation is subject to revocation because she failed to comply with  
25 Condition No. 6 of her probation in Case No. 800-2016-025039.

#### 26 DISCIPLINARY CONSIDERATIONS

27 17. On or about August 25, 2020, the Board issued a citation to Respondent for failing to  
28 abide by Probation Condition No. 6. More specifically, Respondent failed to provide a biological  
fluid sample on or about May 22, 2020, May 31, 2020 and July 27, 2020, and failed to check in  
on or about May 23, 2020, August 3, 2020, and August 4, 2020.

#### 29 PRAYER

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

32 1. Revoking the probation that was granted by the Medical Board of California in Case  
33 No. 800-2016-025039, and imposing the disciplinary order that was stayed, thereby revoking

34 ///

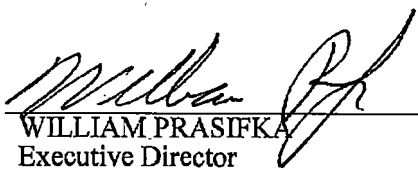
1 Physician's and Surgeon's Certificate No. A 42799, issued to Respondent Renee M. Dupont,  
2 M.D.;

3 2. Revoking, suspending or denying approval of Respondent Renee M. Dupont, M.D.'s  
4 authority to supervise physician assistants and advanced practice nurses;

5 3. Ordering Respondent Renee M. Dupont, M.D., if placed on probation, to pay the  
6 Board the costs of probation monitoring; and

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

8  
9 DATED: OCT 08 2020

  
\_\_\_\_\_  
WILLIAM PRASIFKA  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Petitioner*

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