

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

In the Matter of the Petition to Revoke
Probation Against:

Margaret L. Salmon, M.D.

Physician's and Surgeon's
License No. A112137

Respondent

Case No. 800-2020-070777

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 March 5, 2021.

IT IS SO ORDERED: February 4, 2021.

MEDICAL BOARD OF CALIFORNIA



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

1 XAVIER BECERRA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
3 GREG W. CHAMBERS
Deputy Attorney General
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Attorneys for Complainant
7

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

12 In the Matter of the Petition to Revoke
Probation Against:

Case No. 800-2020-070777

13 **MARGARET L. SALMON, M.D.**
14 **2753 23rd Street**
San Francisco, CA 94110-3443

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 **Physician's and Surgeon's Certificate No. A**
16 **112137**

17 Respondent.

18
19 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
23 California (Board). He brought this action solely in his official capacity and is represented in this
24 matter by Xavier Becerra, Attorney General of the State of California, by Greg W. Chambers,
25 Deputy Attorney General.

26 2. Respondent Margaret L. Salmon, M.D. (Respondent) is represented in this proceeding
27 by attorney Marvin Firestone, M.D., whose address is: 17000 S. El Camino Real, #408, San
28 Mateo, CA 94402.

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 112137 issued
3 to Respondent Margaret L. Salmon is revoked. However, the revocation is stayed and
4 Respondent's existing four (4) year probation, which became effective August 23, 2019, in
5 Medical Board of California Decision 800-2018-043687 is hereby extended for an additional one
6 (1) year on the following terms and conditions: ¹

7 1. **CONTROLLED SUBSTANCES - ABSTAIN FROM USE.** Respondent shall abstain
8 completely from the personal use or possession of controlled substances as defined in the
9 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and
10 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not
11 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide
12 illness or condition.

13 Within fifteen (15) calendar days of receiving any lawfully prescribed medications,
14 Respondent shall notify the Board or its designee of the: issuing practitioner's name, address, and
15 telephone number; medication name, strength, and quantity; and issuing pharmacy name, address,
16 and telephone number.

17 2. **ALCOHOL - ABSTAIN FROM USE.** Respondent shall abstain completely from the
18 use of products or beverages containing alcohol.

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

27 ¹ The terms and conditions are applicable only to the extent that Respondent has not
28 already complied with the terms and conditions of her current four (4) years' probation as defined
in Medical Board of California Decision 800-2018-043687.

1 component. The professionalism program shall be at Respondent's expense and shall be in
2 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

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

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

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

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

1 to resume the practice of medicine without restrictions.

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

3 5. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the
4 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice
5 where: 1) Respondent merely shares office space with another physician but is not affiliated for
6 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that
7 location.

8 If Respondent fails to establish a practice with another physician or secure employment in
9 an appropriate practice setting within sixty (60) calendar days of the effective date of this
10 Decision, Respondent shall receive a notification from the Board or its designee to cease the
11 practice of medicine within three (3) calendar days after being so notified. The Respondent shall
12 not resume practice until an appropriate practice setting is established.

13 If, during the course of the probation, the Respondent's practice setting changes and the
14 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent
15 shall notify the Board or its designee within five (5) calendar days of the practice setting change.
16 If Respondent fails to establish a practice with another physician or secure employment in an
17 appropriate practice setting within sixty (60) calendar days of the practice setting change,
18 Respondent shall receive a notification from the Board or its designee to cease the practice of
19 medicine within three (3) calendar days after being so notified. The Respondent shall not resume
20 practice until an appropriate practice setting is established.

21 6. LIMITATION OF PRACTICE. During probation, Respondent is prohibited from
22 practicing medicine during overnight shifts.

23 7. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)
24 days of the effective date of this Decision, Respondent shall provide to the Board the names,
25 physical addresses, mailing addresses, and telephone numbers of any and all employers and
26 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's
27 worksite monitor, and Respondent's employers and supervisors to communicate regarding
28 Respondent's work status, performance, and monitoring.

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

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

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

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

- 23 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry
24 Association or have completed the training required to serve as a collector for the United
25 States Department of Transportation.
26 (b) Its specimen collectors conform to the current United States Department of
27 Transportation Specimen Collection Guidelines.
28 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published

1 by the United States Department of Transportation without regard to the type of test
2 administered.

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

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

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

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

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

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

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

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

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

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

28 Prior to changing testing locations for any reason, including during vacation or other travel,

1 alternative testing locations must be approved by the Board and meet the requirements above.

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

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

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

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

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

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

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

27 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited
28 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the

1 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to
2 any other terms or conditions the Board determines are necessary for public protection or to
3 enhance Respondent's rehabilitation.

4 9. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within thirty
5 (30) calendar days of the effective date of this Decision, Respondent shall submit to the Board or
6 its designee for prior approval as a worksite monitor, the name and qualifications of one or more
7 licensed physician and surgeon, other licensed health care professional if no physician and
8 surgeon is available, or, as approved by the Board or its designee, a person in a position of
9 authority who is capable of monitoring the Respondent at work.

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

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

20 Respondent shall pay all worksite monitoring costs.

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

25 The worksite monitor shall verbally report any suspected substance abuse to the Board and
26 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected
27 substance abuse does not occur during the Board's normal business hours, the verbal report shall
28 be made to the Board or its designee within one (1) hour of the next business day. A written

1 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and
2 any other information deemed important by the worksite monitor shall be submitted to the Board
3 or its designee within 48 hours of the occurrence.

4 The worksite monitor shall complete and submit a written report monthly or as directed by
5 the Board or its designee which shall include the following: (1) Respondent's name and
6 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)
7 the worksite monitor's license number, if applicable; (4) the location or location(s) of the
8 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the
9 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;
10 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can
11 lead to suspected substance abuse by Respondent. Respondent shall complete any required
12 consent forms and execute agreements with the approved worksite monitor and the Board, or its
13 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

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

23 10. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING
24 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of
25 probation.

26 A. If Respondent commits a major violation of probation as defined by section
27 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
28 one or more of the following actions:

1 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical
2 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
3 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice
4 order issued by the Board or its designee shall state that Respondent must test negative for at least
5 a month of continuous biological fluid testing before being allowed to resume practice. For
6 purposes of determining the length of time a Respondent must test negative while undergoing
7 continuous biological fluid testing following issuance of a cease-practice order, a month is
8 defined as thirty (30) calendar days. Respondent may not resume the practice of medicine until
9 notified in writing by the Board or its designee that she may do so.

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

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

13 B. If Respondent commits a minor violation of probation as defined by section
14 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
15 one or more of the following actions:

16 (1) Issue a cease-practice order;

17 (2) Order practice limitations;

18 (3) Order or increase supervision of Respondent;

19 (4) Order increased documentation;

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

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

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

25 C. Nothing in this Decision shall be considered a limitation on the Board's authority
26 to revoke Respondent's probation she has violated any term or condition of probation. If
27 Respondent violates probation in any respect, the Board, after giving Respondent notice and the
28 opportunity to be heard, may revoke probation and carry out the disciplinary order that was

1 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed
2 against Respondent during probation, the Board shall have continuing jurisdiction until the matter
3 is final, and the period of probation shall be extended until the matter is final.

4 11. NOTIFICATION. Within seven (7) days of the effective date of this Decision,
5 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
6 Chief Executive Officer at every hospital where privileges or membership are extended to
7 Respondent, at any other facility where Respondent engages in the practice of medicine,
8 including all physician and locum tenens registries or other similar agencies, and to the Chief
9 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
10 Respondent. Respondent shall submit proof of compliance to the Board or its designee within
11 fifteen (15) calendar days.

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

13 12. PATIENT DISCLOSURE. Before a patient's first visit following the effective date
14 of this order and while the Respondent is on probation, the Respondent must provide all patients,
15 or patient's guardian or health care surrogate, with a separate disclosure that includes the
16 Respondent's probation status, the length of the probation, the probation end date, all practice
17 restrictions placed on the respondent by the board, the board's telephone number, and an
18 explanation of how the patient can find further information on the respondent's probation on the
19 Respondent's profile page on the board's website. Respondent shall obtain from the patient, or
20 the patient's guardian or health care surrogate, a separate, signed copy of that disclosure.
21 Respondent shall not be required to provide a disclosure if any of the following applies: (1) The
22 patient is unconscious or otherwise unable to comprehend the disclosure and sign the copy of the
23 disclosure and a guardian or health care surrogate is unavailable to comprehend the disclosure
24 and sign the copy; (2) The visit occurs in an emergency room or an urgent care facility or the visit
25 is unscheduled, including consultations in inpatient facilities; (3) Respondent is not known to the
26 patient until immediately prior to the start of the visit; (4) Respondent does not have a direct
27 treatment relationship with the patient.

28 13. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules

1 governing the practice of medicine in California and remain in full compliance with any court
2 ordered criminal probation, payments, and other orders.

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

6 Respondent shall submit quarterly declarations not later than ten (10) calendar days after
7 the end of the preceding quarter.

8 15. GENERAL PROBATION REQUIREMENTS.

9 Compliance with Probation Unit

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

11 Address Changes

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

17 Place of Practice

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

21 License Renewal

22 Respondent shall maintain a current and renewed California physician's and surgeon's
23 license.

24 Travel or Residence Outside California

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

28 In the event Respondent should leave the State of California to reside or to practice,

1 Respondent shall notify the Board or its designee in writing thirty (30) calendar days prior to the
2 dates of departure and return.

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

6 17. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
7 its designee in writing within fifteen (15) calendar days of any periods of non-practice lasting
8 more than 30 calendar days and within fifteen (15) calendar days of Respondent's return to
9 practice. Non-practice is defined as any period of time Respondent is not practicing medicine as
10 defined in Business and Professions Code sections 2051 and 2052 for at least forty (40) hours in a
11 calendar month in direct patient care, clinical activity or teaching, or other activity as approved by
12 the Board. If Respondent resides in California and is considered to be in non-practice,
13 Respondent shall comply with all terms and conditions of probation. All time spent in an
14 intensive training program which has been approved by the Board or its designee shall not be
15 considered non-practice and does not relieve Respondent from complying with all the terms and
16 conditions of probation. Practicing medicine in another state of the United States or Federal
17 jurisdiction while on probation with the medical licensing authority of that state or jurisdiction
18 shall not be considered non-practice. A Board-ordered suspension of practice shall not be
19 considered as a period of non-practice.

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

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

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

27 Periods of non-practice for a Respondent residing outside of California will relieve
28 Respondent of the responsibility to comply with the probationary terms and conditions with the

1 exception of this condition and the following terms and conditions of probation: Obey All Laws;
2 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
3 Controlled Substances; and Biological Fluid Testing.

4 18. COMPLETION OF PROBATION. Respondent shall comply with all financial
5 obligations (e.g., restitution, probation costs) not later than one hundred twenty (120) calendar
6 days prior to the completion of probation. Upon successful completion of probation,
7 Respondent's certificate shall be fully restored.

8 19. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
9 of probation is a violation of probation. If Respondent violates probation in any respect, the
10 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
11 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke
12 Probation, or an Interim Suspension Order is filed against Respondent during probation, the
13 Board shall have continuing jurisdiction until the matter is final, and the period of probation shall
14 be extended until the matter is final.

15 20. LICENSE SURRENDER. Following the effective date of this Decision, if
16 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
17 the terms and conditions of probation, Respondent may request to surrender his or her license.
18 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
19 determining whether or not to grant the request, or to take any other action deemed appropriate
20 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
21 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
22 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
23 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
24 application shall be treated as a petition for reinstatement of a revoked certificate.

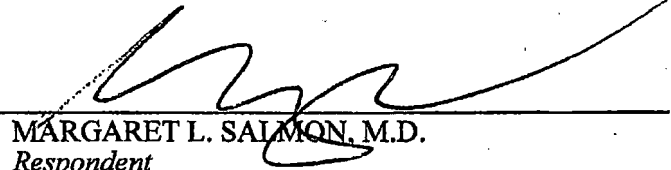
25 21. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
26 with probation monitoring each and every year of probation, as designated by the Board, which
27 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
28 California and delivered to the Board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

1 year.

2 **ACCEPTANCE**

3 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
4 discussed it with my attorney, Marvin Firestone, M.D. I understand the stipulation and the effect
5 it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement
6 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
7 Decision and Order of the Medical Board of California.

8
9 DATED: 12/20/20


MARGARET L. SALMON, M.D.
Respondent

11 I have read and fully discussed with Respondent Margaret L. Salmon, M.D. the terms and
12 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
13 I approve its form and content.

14
15 DATED: 1/4/21


MARVIN FIRESTONE, M.D.
Attorney for Respondent

16
17
18 **ENDORSEMENT**

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

21 DATED: _____

Respectfully submitted,

22 XAVIER BECERRA
23 Attorney General of California
24 MARY CAIN-SIMON
Supervising Deputy Attorney General

25
26 GREG W. CHAMBERS
27 Deputy Attorney General
28 Attorneys for Complainant

1 year.

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6 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
7 Decision and Order of the Medical Board of California.

8
9 DATED: _____
10 MARGARET L. SALMON, M.D.
Respondent

11 I have read and fully discussed with Respondent Margaret L. Salmon, M.D. the terms and
12 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
13 I approve its form and content.


14
15 DATED: _____
16 MARVIN FIRESTONE, M.D.
Attorney for Respondent

17
18 **ENDORSEMENT**

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

21 DATED: 1/5/2020

Respectfully submitted,
XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General

22
23
24 

25
26 GREG W. CHAMBERS
Deputy Attorney General
Attorneys for Complainant
27
28

Exhibit A

Petition to Revoke Probation No. 800-2020-070777

1 XAVIER BECERRA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
3 GREG W. CHAMBERS
Deputy Attorney General
4 State Bar No. 237509
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
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6 Facsimile: (415) 703-5480
Attorneys for Complainant
7

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

12 In the Matter of the Petition to Revoke
Probation Against:

Case No. 800-2020-070777

13 **MARGARET L. SALMON, M.D.**
14 **2753 23rd Street**
San Francisco, CA 94110-3443

PETITION TO REVOKE PROBATION

15 **Physician's and Surgeon's Certificate No. A**
16 **112137**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. William Prasifka (Complainant) 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 April 28, 2010, the Medical Board of California issued Physician's and
25 Surgeon's Certificate Number A 112137 to Margaret L. Salmon, M.D. (Respondent). The
26 Physician's and Surgeon's Certificate was in effect at all times relevant to the charges brought
27 herein and will expire on September 30, 2021, unless renewed. A Cease Practice Order, which
28

1 prohibits Respondent from engaging in the practice of medicine pending a final decision on this
2 Petition to Revoke Probation, was issued on December 7, 2020, and is currently in effect.

3 3. In a disciplinary action titled "In the Matter of Accusation Against Margaret L.
4 Salmon, M.D.," Case No. 800-2018-043687, the Medical Board of California, issued a decision
5 (Decision), effective August 23, 2019, in which Respondent's Physician's and Surgeon's
6 Certificate was revoked. However, the revocation was stayed and Respondent's Physician's and
7 Surgeon's Certificate was placed on probation for a period of four (4) years with certain terms and
8 conditions, including abstinence from alcohol and alcohol testing. A copy of the Decision is
9 attached as Exhibit A and is incorporated by reference.

10 JURISDICTION

11 4. This Petition to Revoke Probation is brought before the Board, under the authority of
12 the following laws. All section references are to the Business and Professions Code unless
13 otherwise indicated.

14 5. Section 2227 of the Code provides that a licensee who is found guilty under the
15 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
16 one year, placed on probation and required to pay the costs of probation monitoring, or such other
17 action taken in relation to discipline as the Board deems proper.

18 6. Title 16, California Code of Regulations, section 1361.5 provides that if a licensee is
19 to be disciplined for unprofessional conduct involving the abuse of drugs or alcohol, the licensee
20 shall be presumed to be a substance-abusing licensee. In such cases, those terms prescribed in
21 section 1361.5 shall be required, including, but not limited to: 1) clinical diagnostic evaluation; 2)
22 notice to employer; 3) biological fluid testing; 4) group support meetings; and 5) worksite
23 monitor.

24 CAUSE TO REVOKE PROBATION

25 (Probation Violation)

26 7. At all times after the effective date of Respondent's probation, Condition No. 2
27 provided:
28

1 Alcohol – Abstain From Use, requiring Respondent to abstain completely from the use of
2 products or beverages containing alcohol.

3 8. At all times after the effective date of Respondent's probation, Condition No. 8
4 provided:

5 Biological Fluid Testing, requiring Respondent to immediately submit to biological fluid
6 testing upon request of the Board or its designee. If a biological fluid test result indicates
7 Respondent has used, consumed, ingested, or administered to herself a prohibited substance, the
8 Board shall order Respondent cease practice of medicine.

9 9. At all times after the effective date of Respondent's probation, Condition No. 10
10 provided:

11 Violation of Probation Condition for Substance Abusing Licensees, requiring that a cease
12 practice shall be issued immediately if Respondent commits a major violation of probation as
13 defined by section 1361.52, subdivision (a), of Title 16 of the California Code of Regulations.

14 10. Respondent's probation is subject to revocation because she failed to comply with
15 Probation Condition Nos. 2, 8, and 10, referenced above. The facts and circumstances regarding
16 this violation are as follows:

17 A. On or about November 23, 2020, Respondent tested positive for metabolites of
18 alcohol. Respondent subsequently admitted to consuming wine, which caused the positive test
19 result.

20 DISCIPLINE CONSIDERATIONS

21 11. To determine the degree of discipline, if any, to be imposed on Respondent,
22 Complainant alleges that on November 20, 2019, in a prior action, the Board issued a Corrected
23 Cease Practice Order based on the positive alcohol test results of October 28, 2019, and the
24 failure to submit to biological fluid testing on November 5, 2019, and November 8, 2019. On
25 December 31, 2019, the Cease Practice Order was terminated.

26 12. Additionally, on October 23, 2019, the Board issued Citation No.
27 800-2019-060594 due to Respondent's failure to comply with Probation Conditions,
28 2, 8, 10, and 19, after testing positive for the metabolites of alcohol on September 10,
2019, and September 30, 2019. Respondent was ordered to comply with the
probation terms and conditions of the Decision and required to pay a fine. That

Citation is now final and is incorporated by reference as if fully set forth.

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 the probation that was granted by the Medical Board of California in Case No. 800-2018-043687 and imposing the disciplinary order that was stayed thereby revoking Physician's and Surgeon's Certificate No. A 112137 issued to Margaret L. Salmon;

2. Revoking or suspending Physician's and Surgeon's Certificate No. A 112137, issued to Margaret L. Salmon, M.D.;

3. Revoking, suspending or denying approval of Margaret L. Salmon, M.D.'s authority to supervise physician's assistants, and advanced nurse practitioners;

4. Ordering Margaret L. Salmon, M.D. 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;

5. Taking such other and further action as deemed necessary and proper.

DATED: DEC 24 2020



For: WILLIAM PRASIFKA REJI VARANESE
Executive Director DEPUTY DIRECTOR
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

Exhibit A

Decision and Order

Medical Board of California Case No. 800-2018-043687

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

In the Matter of the Accusation)	
Against:)	
)	
Margaret L. Salmon, M.D.)	Case No. 800-2018-043687
)	
Physician's and Surgeon's)	
Certificate No. A 112137)	
)	
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 August 23, 2019.

IT IS SO ORDERED: July 26, 2019.

MEDICAL BOARD OF CALIFORNIA



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

1 XAVIER BECERRA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
3 GREG W. CHAMBERS
Deputy Attorney General
4 State Bar No. 237509
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Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

13 **MARGARET L. SALMON, M.D.**

14 2753 23rd Street
15 San Francisco, CA 94110-3443

16 Physician's and Surgeon's Certificate No. A
17 112137

18 Respondent.

Case No. 800-2018-043687

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

19
20 In the interest of a prompt and speedy settlement of this matter, consistent with the public
21 interest and the responsibility of the Medical Board of California of the Department of Consumer
22 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order
23 which will be submitted to the Board for approval and adoption as the final disposition of the
24 Accusation.

25 **PARTIES**

26 I. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
27 of California (Board). She brought this action solely in her official capacity and is represented in
28

1 this matter by Xavier Becerra, Attorney General of the State of California, by Greg W. Chambers,
2 Deputy Attorney General.

3 2. Respondent Margaret L. Salmon, M.D. (Respondent) is represented in this proceeding
4 by attorney Adam G. Slote, One Embarcadero Center, Suite 400, San Francisco, CA 94111.

5 3. On or about April 28, 2010, the Board issued Physician's and Surgeon's Certificate
6 No. A 112137 to Margaret L. Salmon, M.D. (Respondent). The Physician's and Surgeon's
7 Certificate was in full force and effect at all times relevant to the charges brought in Accusation
8 No. 800-2018-043687, and will expire on September 30, 2019, unless renewed.

9 **JURISDICTION**

10 4. Accusation No. 800-2018-043687 was filed before the Board, and is currently
11 pending against Respondent. The Accusation and all other statutorily required documents were
12 properly served on Respondent on May 29, 2019. Respondent timely filed her Notice of Defense
13 contesting the Accusation.

14 5. A copy of Accusation No. 800-2018-043687 is attached as exhibit A and incorporated
15 herein by reference.

16 **ADVISEMENT AND WAIVERS**

17 6. Respondent has carefully read, fully discussed with counsel, and understands the
18 charges and allegations in Accusation No. 800-2018-043687. Respondent has also carefully read,
19 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
20 Disciplinary Order.

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

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

1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations in Accusation
3 No. 800-2018-043687, if proven at a hearing, constitute cause for imposing discipline upon her
4 Physician's and Surgeon's Certificate.

5 10. For the purpose of resolving the Accusation without the expense and uncertainty of
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
7 basis for the charges in the Accusation, and that Respondent hereby gives up her right to contest
8 those charges.

9 11. Respondent agrees the Disciplinary Order below, requiring the disclosure of
10 probation pursuant to Business and Professions Code section 2228.1; serves to protect the public
11 interest.

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

15 CONTINGENCY

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

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

1 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

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

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

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

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

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

2 5. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the
3 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice
4 where: 1) Respondent merely shares office space with another physician but is not affiliated for
5 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that
6 location.

7 If Respondent fails to establish a practice with another physician or secure employment in
8 an appropriate practice setting within sixty (60) calendar days of the effective date of this
9 Decision, Respondent shall receive a notification from the Board or its designee to cease the
10 practice of medicine within three (3) calendar days after being so notified. The Respondent shall
11 not resume practice until an appropriate practice setting is established.

12 If, during the course of the probation, the Respondent's practice setting changes and the
13 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent
14 shall notify the Board or its designee within five (5) calendar days of the practice setting change.
15 If Respondent fails to establish a practice with another physician or secure employment in an
16 appropriate practice setting within sixty (60) calendar days of the practice setting change,
17 Respondent shall receive a notification from the Board or its designee to cease the practice of
18 medicine within three (3) calendar days after being so notified. The Respondent shall not resume
19 practice until an appropriate practice setting is established.

20 6. LIMITATION OF PRACTICE. During probation, Respondent is prohibited from
21 practicing medicine during overnight shifts.

22 7. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)
23 days of the effective date of this Decision, Respondent shall provide to the Board the names,
24 physical addresses, mailing addresses, and telephone numbers of any and all employers and
25 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's
26 worksite monitor, and Respondent's employers and supervisors to communicate regarding
27 Respondent's work status, performance, and monitoring.

28 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or

1 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff
2 privileges.

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

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

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

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

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

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

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- administered.
- (d) Its specimen collectors observe the collection of testing specimens.
- (e) Its laboratories are certified and accredited by the United States Department of Health and Human Services.
- (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day of receipt and all specimens collected shall be handled pursuant to chain of custody procedures. The laboratory shall process and analyze the specimens and provide legally defensible test results to the Board within seven (7) business days of receipt of the specimen. The Board will be notified of non-negative results within one (1) business day and will be notified of negative test results within seven (7) business days.
- (g) Its testing locations possess all the materials, equipment, and technical expertise necessary in order to test Respondent on any day of the week.
- (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens for the detection of alcohol and illegal and controlled substances.
- (i) It maintains testing sites located throughout California.
- (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line computer database that allows the Respondent to check in daily for testing.
- (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff access to drug test results and compliance reporting information that is available 24 hours a day.
- (l) It employs or contracts with toxicologists that are licensed physicians and have knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate laboratory biological fluid test results, medical histories, and any other information relevant to biomedical information.
- (m) It will not consider a toxicology screen to be negative if a positive result is obtained while practicing, even if the Respondent holds a valid prescription for the substance.

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

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

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

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

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

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

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

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

26 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited
27 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the
28 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to

1 any other terms or conditions the Board determines are necessary for public protection or to
2 enhance Respondent's rehabilitation.

3 9. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within thirty
4 (30) calendar days of the effective date of this Decision, Respondent shall submit to the Board or
5 its designee for prior approval as a worksite monitor, the name and qualifications of one or more
6 licensed physician and surgeon, other licensed health care professional if no physician and
7 surgeon is available, or, as approved by the Board or its designee, a person in a position of
8 authority who is capable of monitoring the Respondent at work.

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

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

19 Respondent shall pay all worksite monitoring costs.

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

24 The worksite monitor shall verbally report any suspected substance abuse to the Board and
25 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected
26 substance abuse does not occur during the Board's normal business hours, the verbal report shall
27 be made to the Board or its designee within one (1) hour of the next business day. A written
28 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and

1 any other information deemed important by the worksite monitor shall be submitted to the Board
2 or its designee within 48 hours of the occurrence.

3 The worksite monitor shall complete and submit a written report monthly or as directed by
4 the Board or its designee which shall include the following: (1) Respondent's name and
5 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)
6 the worksite monitor's license number, if applicable; (4) the location or location(s) of the
7 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the
8 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;
9 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can
10 lead to suspected substance abuse by Respondent. Respondent shall complete any required
11 consent forms and execute agreements with the approved worksite monitor and the Board, or its
12 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

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

22 10. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING
23 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of
24 probation.

25 A. If Respondent commits a major violation of probation as defined by section
26 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
27 one or more of the following actions:

28 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical

1 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
2 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice
3 order issued by the Board or its designee shall state that Respondent must test negative for at least
4 a month of continuous biological fluid testing before being allowed to resume practice. For
5 purposes of determining the length of time a Respondent must test negative while undergoing
6 continuous biological fluid testing following issuance of a cease-practice order, a month is
7 defined as thirty (30) calendar days. Respondent may not resume the practice of medicine until
8 notified in writing by the Board or its designee that he or she may do so.

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

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

12 B. If Respondent commits a minor violation of probation as defined by section
13 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
14 one or more of the following actions:

15 (1) Issue a cease-practice order;

16 (2) Order practice limitations;

17 (3) Order or increase supervision of Respondent;

18 (4) Order increased documentation;

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

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

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

24 C. Nothing in this Decision shall be considered a limitation on the Board's authority
25 to revoke Respondent's probation if he or she has violated any term or condition of probation. If
26 Respondent violates probation in any respect, the Board, after giving Respondent notice and the
27 opportunity to be heard, may revoke probation and carry out the disciplinary order that was
28 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed

1 against Respondent during probation, the Board shall have continuing jurisdiction until the matter
2 is final, and the period of probation shall be extended until the matter is final.

3 11. NOTIFICATION. Within seven (7) days of the effective date of this Decision,
4 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
5 Chief Executive Officer at every hospital where privileges or membership are extended to
6 Respondent, at any other facility where Respondent engages in the practice of medicine,
7 including all physician and locum tenens registries or other similar agencies, and to the Chief
8 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
9 Respondent. Respondent shall submit proof of compliance to the Board or its designee within
10 fifteen (15) calendar days.

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

12 12. PATIENT DISCLOSURE. Before a patient's first visit following the effective date
13 of this order and while the Respondent is on probation, the Respondent must provide all patients,
14 or patient's guardian or health care surrogate, with a separate disclosure that includes the
15 Respondent's probation status, the length of the probation, the probation end date, all practice
16 restrictions placed on the respondent by the board, the board's telephone number, and an
17 explanation of how the patient can find further information on the respondent's probation on the
18 Respondent's profile page on the board's website. Respondent shall obtain from the patient, or
19 the patient's guardian or health care surrogate, a separate, signed copy of that disclosure.
20 Respondent shall not be required to provide a disclosure if any of the following applies: (1) The
21 patient is unconscious or otherwise unable to comprehend the disclosure and sign the copy of the
22 disclosure and a guardian or health care surrogate is unavailable to comprehend the disclosure
23 and sign the copy; (2) The visit occurs in an emergency room or an urgent care facility or the visit
24 is unscheduled, including consultations in inpatient facilities; (3) Respondent is not known to the
25 patient until immediately prior to the start of the visit; (4) Respondent does not have a direct
26 treatment relationship with the patient.

27 13. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
28 governing the practice of medicine in California and remain in full compliance with any court

1 ordered criminal probation, payments, and other orders.

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

5 Respondent shall submit quarterly declarations not later than ten (10) calendar days after
6 the end of the preceding quarter.

7 15. GENERAL PROBATION REQUIREMENTS.

8 Compliance with Probation Unit

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

10 Address Changes

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

16 Place of Practice

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

20 License Renewal

21 Respondent shall maintain a current and renewed California physician's and surgeon's
22 license.

23 Travel or Residence Outside California

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

27 In the event Respondent should leave the State of California to reside or to practice,
28 Respondent shall notify the Board or its designee in writing thirty (30) calendar days prior to the

1 dates of departure and return.

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

5 17. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
6 its designee in writing within fifteen (15) calendar days of any periods of non-practice lasting
7 more than 30 calendar days and within fifteen (15) calendar days of Respondent's return to
8 practice. Non-practice is defined as any period of time Respondent is not practicing medicine as
9 defined in Business and Professions Code sections 2051 and 2052 for at least forty (40) hours in a
10 calendar month in direct patient care, clinical activity or teaching, or other activity as approved by
11 the Board. If Respondent resides in California and is considered to be in non-practice,
12 Respondent shall comply with all terms and conditions of probation. All time spent in an
13 intensive training program which has been approved by the Board or its designee shall not be
14 considered non-practice and does not relieve Respondent from complying with all the terms and
15 conditions of probation. Practicing medicine in another state of the United States or Federal
16 jurisdiction while on probation with the medical licensing authority of that state or jurisdiction
17 shall not be considered non-practice. A Board-ordered suspension of practice shall not be
18 considered as a period of non-practice.

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

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

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

26 Periods of non-practice for a Respondent residing outside of California will relieve
27 Respondent of the responsibility to comply with the probationary terms and conditions with the
28 exception of this condition and the following terms and conditions of probation: Obey All Laws;

1 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
2 Controlled Substances; and Biological Fluid Testing.

3 18. COMPLETION OF PROBATION. Respondent shall comply with all financial
4 obligations (e.g., restitution, probation costs) not later than one hundred twenty (120) calendar
5 days prior to the completion of probation. Upon successful completion of probation,
6 Respondent's certificate shall be fully restored.


7 19. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
8 of probation is a violation of probation. If Respondent violates probation in any respect, the
9 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
10 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke
11 Probation, or an Interim Suspension Order is filed against Respondent during probation, the
12 Board shall have continuing jurisdiction until the matter is final, and the period of probation shall
13 be extended until the matter is final.

14 20. LICENSE SURRENDER. Following the effective date of this Decision, if
15 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
16 the terms and conditions of probation, Respondent may request to surrender his or her license.
17 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
18 determining whether or not to grant the request, or to take any other action deemed appropriate
19 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
20 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
21 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
22 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
23 application shall be treated as a petition for reinstatement of a revoked certificate.

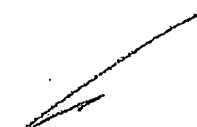
24 21. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
25 with probation monitoring each and every year of probation, as designated by the Board, which
26 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
27 California and delivered to the Board or its designee no later than January 31 of each calendar
28 year.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Adam G. Slote. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 07/08/19 
MARGARET L. SALMON, M.D.
Respondent

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

DATED: July 9, 2019 
ADAM G. SLOTE
Attorney for Respondent

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ENDORSEMENT

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

DATED: July 9, 2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General

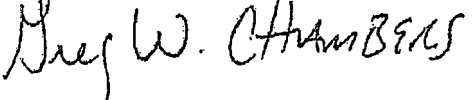

GREG W. CHAMBERS
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 800-2018-043687

1 XAVIER BECERRA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
3 GREG W. CHAMBERS
Deputy Attorney General
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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO May 29 2019
BY [Signature] ANALYST

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

12 In the Matter of the Accusation Against:

Case No. 800-2018-043687

13 Margaret L. Salmon, M.D.
14 2753 23rd Street
San Francisco, CA 94110-3443

ACCUSATION

15 Physician's and Surgeon's Certificate
16 No. A 112137,

17 Respondent.

18
19 Complainant alleges:

20 PARTIES

21 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
22 capacity as the Executive Director of the Medical Board of California, Department of Consumer
23 Affairs (Board).

24 2. On or about April 28, 2010, the Medical Board issued Physician's and Surgeon's
25 Certificate Number A 112137 to Margaret L. Salmon, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
27 herein and will expire on September 30, 2019, unless renewed.
28

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 unless otherwise indicated.

4 4. Section 2227 of the Business and Professions Code authorizes the Board to take
5 action against a licensee by revoking, suspending for a period not to exceed one year, placing the
6 license on probation and requiring payment of costs of probation monitoring, or taking such other
7 action taken as the Board deems proper.

8 5. Section 2239 of the Code states in pertinent part:

9 "(a) The use or prescribing for or administering to himself or herself, of any controlled
10 substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic
11 beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to
12 any other person or to the public, or to the extent that such use impairs the ability of the licensee
13 to practice medicine safely or more than one misdemeanor or any felony involving the use,
14 consumption, or self-administration of any of the substances referred to in this section, or any
15 combination thereof, constitutes unprofessional conduct. The record of the conviction is
16 conclusive evidence of such unprofessional conduct."

17 6. Section 820 of the Code provides that whenever it appears that a licensee may be
18 unable to practice his or her profession safely as a result of mental illness or physical illness
19 affecting competency, the licensing agency may order an examination of licensee.

20 7. Section 822 of the Code provides that, if a licensing agency determines that a
21 licensee's ability to practice his or her profession safely is impaired because of mental or physical
22 illness affecting competency, the licensing agency may take action by revoking the licensee's
23 certificate or license, suspending the licensee's right to practice, placing the licensee on probation,
24 or taking such other action in relation to the licensee as the licensing agency in its discretion
25 deems proper.

26 FACTS

27 8. On April 5, 2018, Firefighter-Engineer D.S., a 22-year veteran of the Mendocino
28 County Fire District, responded to a call involving an unconscious patient who had overdosed. At

1 the patient's residence, D.S. counted nine (9) pills in the patient's alprazolam¹ bottle and,
2 subsequent to arriving at the hospital, handed the pill bottle to the ER charge nurse, K.M., R.N.

3 9. On April 5, 2018, nurse K.M. received a pill bottle from Firefighter-Engineer D.S.
4 and conducted a pill count, confirming nine (9) pills in the bottle. Dr. Salmon grabbed the bottle
5 out of nurse K.M.'s hand and left the patient treatment area. Nurse K.M. could not find Dr.
6 Salmon and when she eventually did find her, nurse K.M. asked for and received the pill bottle
7 back. Nurse K.M. then noted that only eight (8) pills were in the bottle and reported the incident
8 to hospital administrative staff.

9 10. Because of the pill count discrepancy, Dr. Salmon was asked to provide a urine
10 toxicology screen, which subsequently returned positive for the following substances: alcohol
11 metabolites; tramadol²; alprazolam; clonazepam³; codeine⁴; morphine⁵; hydrocodone⁶;
12 norhydrocodone; and norcodeine.

13 11. Dr. Salmon claims that she took an alprazolam pill while waiting to take the urine
14 toxicology test on April 5, 2018, because she was having a "panic attack."

15 12. Dr. Salmon does not have a current prescription for alprazolam and claims that she
16 received the alprazolam from a treating physician in Africa.

17 ¹ Alprazolam, known by the trade name Xanax, is a psychotropic triazolo analogue of the
18 1,4 benzodiazepine class of central nervous system-active compounds. Xanax is used for the
19 management of anxiety disorders or for the short-term relief of the symptoms of anxiety. It is a
20 dangerous drug as defined in section 4022 and a schedule IV controlled substance and narcotic as
21 defined by section 11057, subdivision (d) of the Health and Safety Code.

22 ² Tramadol, known the trade name, Ultram, is a centrally acting synthetic analgesic
23 compound. It is a dangerous drug as defined in section 4022 of the Business and Professions
24 Code, and a schedule II controlled substance as defined by section 11057 of the Health and Safety
25 Code. Tramadol is indicated for the management of moderate to moderately severe pain.

26 ³ Clonazepam is a benzodiazepine, a central nervous system (CNS) depressant. Some
27 benzodiazepines are used to relieve anxiety. However, benzodiazepines should not be used to
28 relieve nervousness or tension caused by the stress of everyday life. Some benzodiazepines are
used to treat insomnia. However, if used regularly for insomnia, they usually are not effective for
more than a few weeks.

⁴ Codeine is a narcotic analgesic and CNS depressant. Codeine is known to be subject to
abuse and must be administered only under close supervision to patients with a history of drug
abuse or dependence.

⁵ Morphine sulfate is for use in patients who require a potent opioid analgesic for relief of
moderate to severe pain. Morphine is a dangerous drug as defined in section 4022, a schedule II
controlled substance and narcotic as defined by section 11055, subdivision (b)(1) of the Health
and Safety Code.

⁶ Hydrocodone is a dangerous drug as defined in section 4022 and a Schedule III
controlled substance and narcotic as defined by section 11056 of the Health and Safety Code.

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

DATED:
May 29, 2019



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