

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

In the Matter of the Accusation Against:

Roderick Gow Lamond, M.D.

Physician's & Surgeon's
Certificate No. A 42165

Respondent.

Case No. 800-2019-060658

**DENIAL BY OPERATION OF LAW
PETITION FOR RECONSIDERATION**

No action having been taken on the petition for reconsideration, filed by February 22, 2021, and the time for action having expired at 5:00 p.m. on March 5, 2021, the petition is deemed denied by operation of law.

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ORDER GRANTING STAY


(Government Code Section 11521)

The Medical Board of California (Board) has filed a Request for Stay of execution of the Decision in this matter with an effective date of February 25, 2021, at 5:00 pm.

Execution is stayed until March 5, 2021 at 5:00 p.m.

This stay is granted solely for the purpose of allowing the Board time to review and consider the Motion to Set Aside Default Decision.

DATED: February 23, 2021


William Prasifka
Executive Director
Medical Board of California

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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against,

Case No. 800-2019-060658

13 **RODERICK GOW LAMOND, M.D.**
14 **1601 E. 19th Ave, Suite 6250**
Denver, CO 80218-1291

DEFAULT DECISION
AND ORDER

15
16 **Physician's and Surgeon's Certificate No.**
A42165

[Gov. Code, §11520]

17 Respondent.
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20 **FINDINGS OF FACT**

21 1. On October 21, 2020, Complainant William Prasifka, in his official capacity as the
22 Executive Director of the Medical Board of California, Department of Consumer Affairs, filed
23 Accusation No. 800-2019-060658 against Roderick Gow Lamond, M.D. (Respondent) before the
24 Medical Board of California.

25 2. On September 30, 1985, the Medical Board of California (Board) issued Physician's
26 and Surgeon's Certificate No. A42165 to Respondent. The Physician's and Surgeon's Certificate
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1 was in full force and effect at all times relevant to the charges brought herein and will expire on
2 September 30, 2021, unless renewed. (Exhibit Package, Exhibit 1¹, license certification.)

3 3. On October 21, 2020, Respondent was duly served with an Accusation, alleging
4 causes for discipline against Respondent. (Exhibit Package, Exhibit 2, Accusation.)

5 4. The allegations of the Accusation are true as follows based on public records of the
6 Colorado State Medical Board which are attached as Exhibit A to the Accusation, Exhibit
7 Package, Exhibit 2, Accusation.

- 8 • On September 12, 2019, the Colorado State Medical Board (Colorado Board) issued a
9 disciplinary action in the form of a "letter of admonition."
- 10 • The admonishment was based on a November 2017 procedure on a patient where
11 Respondent unintentionally performed a lumbar microdiscectomy on the L3-4 level
12 of the spine instead of at the L4-5 level of the spine. This resulted in continued
13 symptoms for the patient and required a second surgery.
- 14 • The performing of a surgical procedure at the wrong level of a patient's spine
15 constituted unprofessional conduct in violation of section 12-36-117 of the Colorado
16 Revised Statutes in that it was care and treatment that fell below the generally
17 accepted standards of practice for a physician.

18 5. On October 21, 2020, an employee of the Medical Board of California (Board), sent
19 by certified mail a copy of Accusation No. 800-2019-060658, Statement to Respondent, Notice of
20 Defense in blank, and Request for Discovery to Respondent's address of record with the Board,
21 which was and is 1601 E. 19th Ave, Suite 6250, Denver, CO 80218-1291. The United States
22 Post Office tracking system noted the package was delivered on October 24, 2020. (Exhibit
23 Package, Exhibit 2, Accusation, proof of service; Exhibit 3, USPS tracking printout.)

24 6. There was no response to the Accusation. On November 12, 2020, an employee of
25 the Attorney General's Office sent a Courtesy Notice of Default, by certified mail, addressed to
26 Respondent at the address of record above, as well as to a Colorado address associated with

27 ¹ The evidence in support of this Default Decision and Order is submitted herewith as the
28 "Exhibit Package." 2

Respondent: Denver Neurologic and Spine Assoc. 3455 Lutheran Parkway, Suite 280, Wheat Ridge, CO 80033. The Courtesy Notice of Default advised Respondent of the service of the Accusation, and provided him with an opportunity to file a Notice of Defense and request relief from default. The United State Post Office tracking system noted the package was delivered to Respondent's address of record on November 19, 2020. There is no service to the second address in Colorado associated with Respondent. (Exhibit Package, Exhibit 4, Courtesy Notice of Default, proof of service, USPS tracking printouts.)

7. Respondent has not responded to service of the Accusation or the Notice of Default. He has not filed a Notice of Defense. As a result, Respondent has waived his right to a hearing on the merits to contest the allegations contained in the Accusation.

8. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

STATUTORY AUTHORITY

9. Government Code section 11506 states, in pertinent part:

"(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

10. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 800-2019-060658.

11. California Government Code section 11520 states, in pertinent part:

"(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent."

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11 **STATE OF CALIFORNIA**

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Case No. 800-2019-060658

13 **Roderick Gow Lamond, M.D.**
14 **1601 E. 19th Ave, Suite 6250**
Denver, CO 80218-1291

A C C U S A T I O N

15 **Physician's and Surgeon's Certificate**
16 **No. A42165,**

17 Respondent.

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20 **PARTIES**

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

24 2. On or about September 30, 1985, the Medical Board issued Physician's and Surgeon's
25 Certificate Number A42165 to Roderick Gow Lamond, 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, 2021, unless renewed.

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1 violated accepted standards of practice for a physician when Respondent performed a surgical
2 procedure at the wrong level of a patient's spine requiring the patient to have a second surgery
3 (procedure done at the L3-04 level instead of the L4-5 level of the spine). A copy of the Colorado
4 Medical Board Letter of Admonition is attached as Exhibit A.

5 8. Respondent's conduct and the action of the Colorado State Medical Board as set forth
6 in paragraph 7, above, constitute cause for discipline pursuant to sections 2305 and/or 141 of the
7 Code

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9 **PRAYER**

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

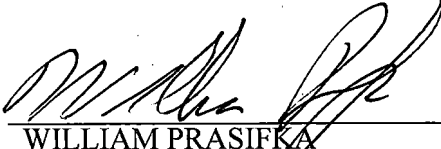
12 1. Revoking or suspending Physician's and Surgeon's Certificate Number A42165,
13 issued to Roderick Gow Lamond, M.D.;

14 2. Revoking, suspending or denying approval of Roderick Gow Lamond, M.D.'s
15 authority to supervise physician assistants and advanced practice nurses;

16 3. Ordering Roderick Gow Lamond, M.D., if placed on probation, to pay the Board the
17 costs of probation monitoring; and

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

19
20 DATED: **OCT 21 2020**



WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A
Colorado State Medical Board Letter of Admonition



COLORADO
Department of
Regulatory Agencies
Division of Professions and Occupations



September 12, 2019

Roderick G. Lamond, D.O.

Re: Case No. 2019-4028-A

Dear Dr. Lamond:

Inquiry Panel A ("Panel") of the Colorado Medical Board ("Board") has concluded its inquiry regarding your care and treatment of patient D.H. It was the Panel's decision not to commence with formal proceedings against your license to practice medicine. However, the Panel did vote to administer disciplinary action to you in the form of this letter of admonition.

As you recall, in November 2017, you performed a right L4-5 lumbar microdiscectomy on Patient D.H. Although you intended to perform the procedure at the L4-5 level of the spine, you unintentionally performed the procedures at the L3-4 level, resulting in continued symptoms for the patient and requiring a second surgery.

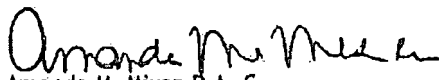
After a review of all the information in this matter, the Panel found that your care and treatment of patient D.H. fell below the generally accepted standards of practice for a physician, constituting unprofessional conduct in violation of section 12-36-117 of the Colorado Revised Statutes. Specifically, you performed a surgical procedure at the wrong level of a patient's spine.

By this letter, the Panel hereby admonishes you and cautions you that complaints disclosing any repetition of such practice may lead to the commencement of formal disciplinary proceedings against your license to practice medicine, wherein this letter of admonition may be entered into evidence as aggravation.

You are advised that it is your right to have this case reviewed in an administrative proceeding. To do so, you must submit a written request within twenty (20) days after receipt of this letter. In your request, you must clearly ask that formal disciplinary proceedings be initiated against you to adjudicate the propriety of the conduct upon which this letter of admonition is based. If such request is timely made, this letter of admonition will be deemed vacated, and the matter will be processed by means of a formal complaint and hearing in accordance with the provisions of the Medical Practice Act.

Sincerely,

FOR THE COLORADO MEDICAL BOARD
INQUIRY PANEL A


Amanda M. Mixon P.A.-C
Chair

AMM/bvm

Cc: Chad K. Gillam

