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

In the Matter of the Accusation and Petition to Revoke Probation Against: Larry Richard Pyle, M.D. Physician's and Surgeon's Certificate No. A37880 Respondent	Case No. 800-2019-058667

DECISION

The attached Stipulated Surrender 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 17, 2021.

IT IS SO ORDERED March 10, 2021.

MEDICAL BOARD OF CALIFORNIA

By: _____
William Prasifka
Executive Director

XAVIER BECERRA
Attorney General of California
STEVEN D. MUNI
Supervising Deputy Attorney General
MEGAN R. O'CARROLL
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Attorneys for Complainant

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

In the Matter of the Accusation/Petition to Revoke Probation Against: **LARRY RICHARD PYLE, M.D.** **P.O. Box 990532** **Redding, California 96099-0532** **Physician's and Surgeon's Certificate No. A 37880** Respondent.	Case No. 800-2019-058667 **STIPULATED SURRENDER AND DISCIPLINARY ORDER**

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

PARTIES

1. William Prasifka (Complainant) is the Executive Director of the Medical Board of California (Board). He brought this action solely in his official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Megan R. O'Carroll, Deputy Attorney General.

2. Respondent Larry Richard Pyle, M.D. (Respondent) is represented in this proceeding by attorney John Kucera, Esq., whose address is: 1416 West Street, Redding, California, 96001.

3. On or about December 21, 1981, the Board issued Physician's and Surgeon's Certificate No. A 37880 to Larry Richard Pyle, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation/Petition to Revoke Probation No. 800-2019-058667, and will expire on December 31, 2021, unless renewed.

JURISDICTION

4. Accusation/Petition to Revoke Probation No. 800-2019-058667 was filed before the Board, and is currently pending against Respondent. The Accusation/Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on November 13, 2020.

5. A copy of Accusation/Petition to Revoke Probation No. 800-2019-058667 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation/Petition to Revoke Probation No. 800-2019-058667. Respondent has also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation/Petition to Revoke Probation No. 800-2019-058667, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

10. Respondent agrees that, at a hearing, Complainant could establish a prima facie case or factual basis for the charges in the Accusation/Petition to Revoke Probation, and that Respondent hereby gives up his right to contest those charges.

11. Respondent does not contest that, at an administrative hearing, complainant could establish a prima facie case with respect to the charges and allegations in Accusation/Petition to Revoke Probation No. 800-2019-058667, a true and correct copy of which is attached hereto as Exhibit A, and that he has thereby subjected his Physician's and Surgeon's Certificate, No. A 37880 to disciplinary action. Respondent understands and agrees that in any petition for reinstatement of his license, or petition for a new license, the allegations in Accusation/Petition to Revoke Probation No. 800-2019-058667, shall be deemed to be true and correct and admitted by him.

12. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

RESERVATION

13. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Medical Board of California or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

14. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the

stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

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

16. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or opportunity to be heard by the Respondent, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 37880 issued to Respondent Larry Richard Pyle, M.D. is surrendered and accepted by the Medical Board of California.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the Board's acceptance of it shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Medical Board of California.

2. Respondent shall lose all rights and privileges as a Physician in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 800-2019-058667 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of

Issues or any other proceeding seeking to deny or restrict licensure, and any proceeding where a Board determines whether to grant or deny the petition.

ACCEPTANCE

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

DATED: 1/3/2021

LARRY PYLE, M.D.
Respondent

I have read and fully discussed with Respondent Larry Pyle, M.D. the terms and conditions and other matters contained in the above Stipulated Surrender and Disciplinary Order. I approve its form and content.

DATED: 1-3-2021

JOHN KUCERA, ESQ.
Attorney for Respondent

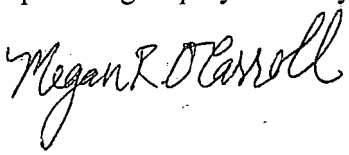
ENDORSEMENT

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

DATED: 1/8/21

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
STEVEN D. MUNI
Supervising Deputy Attorney General



MEGAN R. O'CARROLL
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation/Petition to Revoke Probation No. 800-2019-058667

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

In the Matter of the Accusation/Petition to Revoke Probation Against: **Larry Richard Pyle, M.D.** **P.O. Box 990532** **Redding, CA 96099-0532** **Physician's and Surgeon's Certificate No. A 37880,** Respondent.	Case No. 800-2019-058667 **ACCUSATION AND PETITION TO REVOKE PROBATION**

PARTIES

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

2. On or about December 21, 1981, the Medical Board issued Physician's and Surgeon's Certificate No. A 37880 to Larry Richard Pyle, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2021, unless renewed.

///

PRIOR DISCIPLINE

3. On April 29, 1997, Respondent's medical license was suspended by an Interim Order of Suspension in Case No. 02-1995-057101 based on allegations of sexual misconduct by seven patients. His license remained suspended until a Decision After Reconsideration became effective on June 29, 1998 issuing him a Public Reprimand. The Decision stated that six of the patients who brought the allegations were unreliable due to their drug abuse and the passage of time. The Decision noted, however, that Respondent had been evaluated by a Board psychiatrist in 1993 during his participation in the Board's Diversion program, and the Board psychiatrist recommended Respondent to have a chaperone present during pelvic examinations. Respondent's failure to have a chaperone present during the pelvic examination of the seventh patient, who was found to be credible, was unprofessional conduct supporting the Public Reprimand. That decision is now final and is incorporated by reference as if fully set forth.

4. On or about May 15, 2013, an Accusation was filed in Case No. 02-2011-216211 charging Respondent with sexual misconduct with a patient for kissing the patient on the mouth during a medical examination. On June 11, 2014, the Decision became effective and Respondent's license was revoked, stayed and placed on three years probation.

5. On or about February 2, 2015, an Accusation was filed in Case No. 02-2013-234269 charging Respondent with gross negligence and sexual misconduct with a minor patient for fondling her breasts, rubbing her upper thigh, and placing his ungloved finger in her vagina while she was a minor. On February 11, 2016, the Decision became effective and Respondent was revoked, stayed and placed on seven years of probation, with various terms and conditions.

JURISDICTION

6. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

7. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed

one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

8. Section 2234 of the Code, states:

> The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:
>
> (a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.
>
> (b) Gross negligence.
>
> (c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.
>
> (1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.
>
> (2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.
>
> (d) Incompetence.
>
> (e) The commission of any act involving dishonesty or corruption that is substantially related to the qualifications, functions, or duties of a physician and surgeon.
>
> (f) Any action or conduct that would have warranted the denial of a certificate.
>
> (g) The failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.

9. Section 2242 of the Code states:

> (a) Prescribing, dispensing, or furnishing dangerous drugs as defined in Section 4022 without an appropriate prior examination and a medical indication, constitutes unprofessional conduct.
>
> ...

10. Section 4022 of the Code states:

> "Dangerous drug" or "dangerous device" means any drug or device unsafe for self use, except veterinary drugs that are labeled as such, and includes the following:

(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.

(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a _____," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

11. Section 2052 of the Code states:

(a) Notwithstanding Section 146, any person who practices or attempts to practice, or who advertises or holds himself or herself out as practicing, any system or mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other physical or mental condition of any person, without having at the time of so doing a valid, unrevoked, or unsuspended certificate as provided in this chapter [Chapter 5, the Medical Practice Act], or without being authorized to perform the act pursuant to a certificate obtained in accordance with some other provision of law, is guilty of a public offense, punishable by a fine not exceeding ten thousand dollars ($10,000), by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, by imprisonment in a county jail not exceeding one year, or by both the fine and either imprisonment.

(b) Any person who conspires with or aids or abets another to commit any act described in subdivision (a) is guilty of a public offense, subject to the punishment described in that subdivision.

(c) The remedy provided in this section shall not preclude any other remedy provided by law.

12. Section 2238 of the Code states:

A violation of any federal statute or federal regulation or any of the statutes or regulations of this state regulating dangerous drugs or controlled substances constitutes unprofessional conduct.

13. Section 2264 of the Code states:

The employing, directly or indirectly, the aiding, or the abetting of any unlicensed person or any suspended, revoked, or unlicensed practitioner to engage in the practice of medicine or any other mode of treating the sick or afflicted which requires a license to practice constitutes unprofessional conduct.

FACTUAL ALLEGATIONS

14. On or about April 27, 2018, the Board received an online complaint from a registered nurse in Redding, California. The Nurse explained that several patients told her that they had received Botox injections from an unlicensed person, Ms. S.T., working with Respondent at his

medical office in Redding. The patients were suffering from side effects and disfigurement due to Ms. S.T.'s injections.

15. One of the patients who saw both Ms. S.T. and Respondent reported that Ms. S. T. worked with Respondent, and received Botox from Respondent. This Confidential Patient (C.P.) reported that she had been receiving Botox and filler injections from Ms. S.T. between 2007 and 2018. Most of the injections C.P. received were done by Ms. S.T., at a salon near Respondent's office, but on one occasion she and Ms. S.T. went to Respondent's office where he injected her with Botox at his office. C.P. reported that she did not like the way Respondent injected her and did not return. C.P. suffered side effects and lumps on her face from the fillers Ms. S.T. used, and sought treatment with another provider in Redding.

16. Between April and October of 2018, state investigators spoke with approximately five other women who also received injections of fillers and Botox from Ms. S.T. for several years up to and including 2018. Several of these women believed that Ms. S.T. worked with Respondent, and was a licensed nurse. On or about September 5, 2018, state investigators executed a search warrant at Ms. S.T.'s home. Among other items, the investigators discovered syringes and new Botox patient information forms with Respondent's office information printed on them.

17. On or about November 15, 2018, state investigators traveled to Respondent's medical office in Redding, California, to conduct an unannounced visit. During this visit, a Board investigator interviewed Respondent and spoke with members of his staff.

18. Respondent's receptionist reported that Ms. S.T. had been obtaining Botox from Dr. Pyle for the last few years. The receptionist understood Ms. S.T. to be an esthetician with a salon near the medical practice. Ms. S.T. had access to the laboratory area of Respondent's practice where she would fill a syringe with Botox and either inject it at the practice, or take it to her nearby salon to inject her clients.

19. The receptionist explained that each of Ms. S.T.'s clients had a chart in Respondent's office to keep track of how much Botox they received. If Ms. S.T. took the Botox away to inject at her salon, she would pay the receptionist $13.00 per unit for the Botox. The receptionist would also use Respondent's office to charge Ms. S.T.'s clients directly for the Botox. On one occasion,

two of Ms. S.T.'s clients complained about the Botox injections and Respondent issued each of them a refund check for the Botox. The receptionist reported that she would sometimes see Respondent, Ms. S.T., and one of her clients go into the treatment room together in Respondent's office.

20. During his interview with the Board investigator, Respondent acknowledged that he had been furnishing Botox and syringes to Ms. S.T., and that she paid him for the costs of the Botox. He claimed that he understood Ms. S.T. to be an esthetician and indicated that he did not know whether she was licensed to obtain and inject Botox or not.

21. Respondent stated that Ms. S.T. had her own office for her clients, and that she "was not very associated per se with this office." He denied Ms. S.T. had a room dedicated to her at his office, but indicated that if his front office staff had made a room available at his office for her to inject Botox that he would not have had a problem with that. He stated that when he learned that a complaint had been filed against Ms. S.T., he told her he would no longer provide her with the Botox. He indicated that he has performed Botox injections to his own patients as part of his practice since approximately 1996. He would estimate that he treats approximately 4-6 patients per month with Botox injections.

22. Records show that Respondent has purchased approximately 200 units (2 vials) of Botox each month since 2012, with an occasional exception when he would order more or less than 200 units in a single month. The 100 unit vials were often ordered every two weeks, with approximately one vial being ordered every other week.

23. On or about January 15, 2019, the Shasta County District Attorney's Office arrested Respondent and charged him with one felony count of aiding and abetting the unlicensed practice of medicine between January 2016 and September 2018. The criminal complaint is pending in Shasta County Superior Court with a preliminary hearing date currently set for December of 2020.

24. On or about December 7, 2018, Respondent submitted an application for insurance coverage to Health Care Professional Risk Retention Group, with several false statements and representations. Specifically, Respondent represented in the application that he does not perform

Botox injections at his practice, and that his license to practice medicine has never been suspended or placed on probation or limited in any way. When the newspapers published the story of his arrest and charge for furnishing Botox to an unlicensed person, it became publicly known that he did in fact purchase and use Botox in his practice. On March 4, 2019, Respondent's insurer rescinded his insurance policy, effective January 1, 2019, for making false statements in his application.

FIRST CAUSE FOR DISCIPLINE

(Aiding and Abetting the Unlicensed Practice of Medicine)

25. Respondent is subject to disciplinary action under section 2052 and 2264 in that he aided and abetted the unlicensed practice of medicine. The circumstances are set forth in Paragraphs 14 through 24, above, which are incorporated here by reference as if fully set forth herein. Additional circumstances are as follows:

26. Respondent aided and abetted the unlicensed practice of medicine for his acts and omissions, including but not limited to, the following:

(a) Allowing Ms. S.T., an unlicensed person, access to dangerous drugs and syringes from his medical office;

(b) Authorizing his office staff to accept payment for medical services by Ms. S.T., an unlicensed person, under his name and office;

(c) Maintaining records of medical services by Ms. S.T., an unlicensed person, at his office;

(d) Issuing refund checks, under his personal signature, to dissatisfied patients treated by Ms. S.T., an unlicensed person; and

(e) Allowing Ms. S.T., an unlicensed person, access to preprinted forms with his office information.

SECOND CAUSE FOR DISCIPLINE

(Furnishing Dangerous Drugs)

27. Respondent is subject to disciplinary action under sections 2234, and 2242, in that he furnished dangerous drugs without a prior examination or medical indication.

28. The circumstances are set forth in Paragraphs 14 through 24, above, which are incorporated here by reference as if fully set forth herein.

29. Respondent's conduct of furnishing dangerous drugs without a prior examination or medical indication, violates section 2242, and is grounds for imposition of discipline against his license.

THIRD CAUSE FOR DISCIPLINE

(Dishonest or Fraudulent Act Related to the Practice of Medicine)

30. Respondent is subject to disciplinary action under section 2234, subdivision (e), in that he committed a dishonest act related to the practice of medicine.

31. The circumstances are set forth in Paragraphs 14 through 24, above, which are incorporated here by reference as if fully set forth herein.

32. Respondent's conduct, of providing false information about his license and practice in seeking insurance coverage for his practice, violated section 2234, subdivision (e), and is grounds for imposition of discipline against his license.

FOURTH CAUSE FOR DISCIPLINE

(General Unprofessional Conduct)

33. Respondent is subject to disciplinary action under section 2234 in that he has engaged in conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrated an unfitness to practice medicine. The circumstances are set forth in Paragraphs 14 through 24, above, which are incorporated here by reference as if fully set forth herein.

CAUSE TO REVOKE PROBATION

(Failure to Comply with Provisions 8 and 10 of Probationary Order)

34. Pursuant to Probation Condition 8 of the Board's Decision and Disciplinary Order Case No. 02-2013-234269, Respondent was required to provide a copy of the Disciplinary Order to the CEO of each insurance company that extended medical malpractice to him within 15 days. This condition also applied to changes in insurance carriers. Respondent was further required by Condition 10 of the Board's Decision and Disciplinary Order to obey all laws.

35. Respondent's probation is subject to revocation because he failed to comply with Probation Conditions 8 and 10, referenced above, as alleged in 14 through 33, above, which are incorporated here by reference as if fully set forth herein.

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. 02-2013-234269, and imposing the Disciplinary Order that was stayed thereby revoking Physician's and Surgeon's Certificate No. A 37880, issued to Larry Richard Pyle, M.D.;

2. Revoking or suspending Physician's and Surgeon's Certificate No. A 37880, issued to Larry Richard Pyle, M.D.;

3. Revoking, suspending or denying approval of Larry Richard Pyle, M.D.'s authority to supervise physician assistants and advanced practice nurses;

4. Ordering Larry Richard Pyle, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: NOV 13 2020

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

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