

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

**In the Matter of the Accusation
Against:**

Roy Quinones, M.D.

**Physician's & Surgeon's
Certificate No A 81287**

Respondent.

Case No. 800-2017-030764

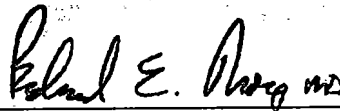
DECISION

The attached Stipulated Settlement and Disciplinary Order for Public Reprimand 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 April 9, 2021

IT IS SO ORDERED March 11, 2021

MEDICAL BOARD OF CALIFORNIA



**Richard E. Thorp, M.D., Chair
Panel B**

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 CAITLIN ROSS
Deputy Attorney General
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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:

13 **ROY QUINONES, M.D.**
14 **660 4th Street, Ste. 150**
San Francisco, CA 94107-1618

15 **Physician's and Surgeon's Certificate No. A**
16 **81287**

17 Respondent.

Case No. 800-2017-030764

OAH No. 2020100525

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPRIMAND**

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19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
24 California (Board). This action was brought and maintained in the official capacity of the
25 Board's Executive Director, who is represented in this matter by Xavier Becerra, Attorney
26 General of the State of California, by Caitlin Ross, Deputy Attorney General.

1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations in Accusation
3 No. 800-2017-030764, if proven at a hearing, constitute cause for imposing discipline upon his
4 Physician's and Surgeon's Certificate.

5 10. Respondent does not contest that, at an administrative hearing, Complainant could
6 establish a prima facie case with respect to the charges and allegations in Accusation No. 800-
7 2017-030764, a true and correct copy of which is attached hereto as Exhibit A, and that he has
8 thereby subjected his Physician's and Surgeon's Certificate, No. A81287 to disciplinary action.
9 Respondent hereby gives up his right to contest those charges.

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

13 CONTINGENCY

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

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

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

4 **DISCIPLINARY ORDER**

5 **A. PUBLIC REPRIMAND**

6 IT IS HEREBY ORDERED that the Respondent, Roy Quinones, M.D., Physician's and
7 Surgeon's Certificate No. A 81287, shall be and hereby is publicly reprimanded pursuant to
8 California Business and Professions Code, section 2227, subdivision (a)(4). This Public
9 Reprimand, which is issued in connection with Respondent's conduct as set forth in Accusation
10 No. 800-2017-030764, is as follows: You demonstrated unprofessional conduct through your
11 repeated negligent acts in the treatment of Patient P-1 and by failing to maintain adequate patient
12 medical records, pursuant to Business and Professions Code section 2234, subdivision (c) and
13 section 2266. Consequently, the Board issues this Public Reprimand.

14 **B. IT IS FURTHER ORDERED:**

15 **MEDICAL RECORD KEEPING COURSE**

16 Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a
17 course in medical record keeping approved in advance by the Board or its designee. Respondent
18 shall provide the approved course provider with any information and documents that the approved
19 course provider may deem pertinent. Respondent shall participate in and successfully complete
20 the classroom component of the course not later than six (6) months after Respondent's initial
21 enrollment. Respondent shall successfully complete any other component of the course within
22 one (1) year of enrollment. The medical record keeping course shall be at Respondent's expense
23 and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of
24 licensure.

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

1 this Decision.

2 Respondent shall submit a certification of successful completion to the Board or its
3 designee not later than 15 calendar days after successfully completing the course, or not later than
4 15 calendar days after the effective date of the Decision, whichever is later.

5 Failure to enroll in and complete the course within the specified time shall constitute
6 unprofessional conduct and grounds for further disciplinary action.


7 FUTURE ADMISSIONS CLAUSE

8 If Respondent should ever apply or reapply for a new license or certification, or petition for
9 reinstatement of a license, by any other health care licensing action agency in the State of
10 California, all of the charges and allegations contained in Accusation No. 800-2017-030764 shall
11 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
12 Issues or any other proceeding seeking to deny or restrict license.

13 ACCEPTANCE

14 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
15 Reprimand and have fully discussed it with my attorney, Charles Bond. I understand the
16 stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into
17 this Stipulated Settlement and Disciplinary Order for Public Reprimand voluntarily, knowingly,
18 and intelligently, and agree to be bound by the Decision and Order of the Medical Board of
19 California.

20
21 DATED: 2021-01-07



ROY QUINONES, M.D.
Respondent

22
23
24 I have read and fully discussed with Respondent Roy Quinones, M.D. the terms and


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1 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
2 I approve its form and content.

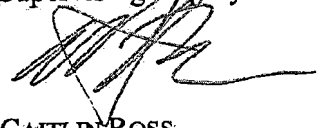
3
4 DATED: 1/7/21 
5 Charles Bond
6 Attorney for Respondent

7 **ENDORSEMENT**

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

10
11 DATED: 1-7-21

Respectfully submitted,
XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General


CAITLIN ROSS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2017-030764

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

12
13 In the Matter of the Accusation Against:

Case No. 800-2017-030764

14 **Roy Quinones, M.D.**
15 **660 4th Street, Ste. 150**
16 **San Francisco, CA 94107-1618**

ACCUSATION

17 **Physician's and Surgeon's Certificate**
18 **No. A 81287,**

Respondent.

19
20 Complainant alleges:

21 **PARTIES**

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

25 2. On December 4, 2002, the Medical Board issued Physician's and Surgeon's
26 Certificate Number A 81287 to Roy Quinones, M.D. (Respondent). The Physician's and
27 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
28 herein and will expire on December 31, 2018, unless renewed.

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

8 5. Section 2234 of the Code states, in relevant part:

9 "The board shall take action against any licensee who is charged with unprofessional
10 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
11 limited to, the following:

12 "(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
13 violation of, or conspiring to violate any provision of this chapter.

14

15 "(c) Repeated negligent acts.

16 ""

17 6. Section 2266 of the Code states: "The failure of a physician and surgeon to maintain
18 adequate and accurate records relating to the provision of services to their patients constitutes
19 unprofessional conduct."

20 FACTS

21 7. At all times relevant to this matter, Respondent was licensed and practicing medicine
22 in California.

23 PATIENT P-1¹

24 8. Respondent treated Patient P-1 from approximately July of 2011 until his death on
25 June 24, 2013, at the age of 48. He had been diagnosed with, among other things, chronic low
26

27 ¹ The patient is designated in this document as Patient P-1 to protect his and his family's
28 privacy. Respondent knows the name of the patient and can confirm his identity through
discovery.

1 back pain, a laminectomy, bilateral foot drop due to compressive neuropathy, hepatitis C,
2 extrinsic asthma, and alcohol abuse, episodic before seeing Respondent.

3 9. In the eight visits for which there are medical records, there is documentation of only
4 one relatively complete examination of P-1's back, on February 27, 2013. Typically,
5 Respondent's assessment of P-1's back was simply, "No CVA tenderness."

6 10. Between August 2011 and June 2013, Respondent prescribed escalating amounts of
7 both hydrocodone with acetaminophen² and oxycodone³ to treat P-1's chronic pain. The chart
8 notes for P-1 do not reflect that Respondent described the risks and benefits of opioid
9 medications, including, despite P-1's history of alcohol abuse, the risk of drinking alcohol while
10 taking opioid medications, or that he obtained informed consent for the opioid treatment from
11 P-1. The morphine milligram equivalency⁴ (MME) of the opioids Respondent prescribed for P-1
12 increased over the time he treated him from an average of approximately 106 MME daily the last
13 half of 2011 to 223 MME the first half of 2012, 250 MME the second half of 2012, and 267 the
14 first half of 2013. Despite these escalating doses of opioids and P-1's significant liver disease—
15 as reflected by his diagnosis of hepatitis C and elevated liver enzymes—Respondent did not refer
16 P-1 for alternative pain treatments or to a pain specialist.

17 11. On January 8, 2013, Respondent's chart notes for P-1 added an assessment of
18 depression with anxiety. Respondent prescribed 1 mg clonazepam⁵ tablets for P-1 to be taken
19 twice a day. The chart notes do not reflect that Respondent described to P-1 the various risks of

20 ² Hydrocodone bitartrate w/APAP (hydrocodone with acetaminophen) is also known by
21 the trade names Norco and Vicodin, among others. Hydrocodone bitartrate is a semisynthetic
22 narcotic analgesic and a dangerous drug as defined in section 4022 and, since October 2014, a
Schedule II controlled substance. Before that, it was classified as a Schedule III controlled
substance. Hydrocodone bitartrate is a nervous system depressant.

23 ³ Oxycodone IR (a trade name for immediate release oxycodone hydrochloride) is a short-
24 acting opioid analgesic. It is a dangerous drug as defined in section 4022 and a Schedule II
controlled substance and narcotic. It is a more potent pain reliever than morphine or
hydrocodone.

25 ⁴ Morphine milligram equivalency (MME) is a method used to convert the many different
opioids into one standard value based on morphine and its potency. Oxycodone, for example, is
26 1.5 times as potent as morphine so 60 mg of oxycodone is equivalent to 90 MME. Hydrocodone
is equally potent as morphine so 60 mg of hydrocodone equals 60 MME.

27 ⁵ Clonazepam (trade name Klonopin) is an anticonvulsant of the benzodiazepine class of
28 drugs. It is a long-acting benzodiazepine. It is a dangerous drug as defined in section 4022 and a
Schedule IV controlled substance. It produces central nervous system depression and should be
used with caution with other central nervous system depressant drugs.

1 taking a benzodiazepine medication, including the risk of combining it with other respiratory
2 depressants such as opioid medications or alcohol, or that he obtained informed consent for the
3 treatment from P-1. On January 16, 2013, Respondent increased P-1's clonazepam dosage to 2
4 mg tablets to be taken three times a day.

5 12. Although Respondent assessed P-1 with depression with anxiety on each successive
6 visit, he did not prescribe an anti-depressant for P-1, did not document having considered or
7 discussed the possibility of prescribing an anti-depressant for him, and did not document having
8 referred him to a psychiatrist. Respondent continued prescribing clonazepam for the condition.

9 **CAUSE FOR DISCIPLINE**

10 **(Repeated Negligent Acts and/or Failure to Maintain Adequate Records)**

11 13. Respondent is guilty of unprofessional conduct and subject to disciplinary action
12 under sections 2234, subdivision (c) (repeated negligent acts), and/or 2266 (inadequate records)
13 of the Code in that Respondent has engaged in the acts described above, including, but not limited
14 to, the following:

15 A. Respondent failed to document having advised P-1 of the potential risks of
16 using a benzodiazepine while also taking other respiratory depressants such as opioid medications
17 or alcohol, particularly in light of the escalating doses of opioids he was taking.

18 B. Respondent failed to document having warned P-1 about the dangers of
19 drinking alcohol while taking the respiratory depressants oxycodone, hydrocodone, and
20 clonazepam and with a diagnosis of hepatitis C and elevated liver enzymes.

21 C. Respondent failed to document having referred P-1 to a pain specialist or for
22 alternative treatment despite prescribing escalating amounts of opioid medications for him and
23 despite his significant liver disease.

24 D. Respondent failed to prescribe or document having considered prescribing anti-
25 depressant medications to P-1 for his depression or to refer him to a psychiatrist for assessment
26 and/or treatment of his depression.

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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 or suspending Respondent's Physician's and Surgeon's Certificate Number A 81287;
2. Revoking, suspending or denying approval of Respondent's authority to supervise physician assistants and advanced practice nurses;
3. Ordering Respondent, if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: November 28, 2018


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