

**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**

**Case No. 800-2017-030764**

**Respondent.**

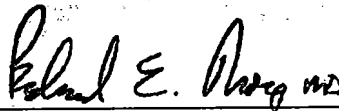
**DECISION**

**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  
4 State Bar No. 271651  
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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.

2. Respondent Roy Quinones, M.D. (Respondent) is represented in this proceeding by attorney Charles Bond, Physicians' Advocates, a d.b.a. of Health Juris, Inc., A Professional Corporation, 2033 N. Main Street, Suite 340, Walnut Creek, CA 94596.

3. On December 4, 2002, the Board issued Physician's and Surgeon's Certificate No. A 81287 to Roy Quinones, M.D. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2017-030764, and will expire on December 31, 2022, unless renewed.

## JURISDICTION

4. Accusation No. 800-2017-030764 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on November 28, 2018. Respondent filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2017-030764 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 No. 800-2017-030764. Respondent has also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order for Public Reprimand.

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; 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.

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.  
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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

25 ///

26 ///

27 ///

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,

12 XAVIER BECERRA  
13 Attorney General of California  
14 JANE ZACK SIMON  
15 Supervising Deputy Attorney General



16 CAITLIN ROSS  
17 Deputy Attorney General  
18 Attorneys for Complainant

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**Exhibit A**

**Accusation No. 800-2017-030764**



1 XAVIER BECERRA  
Attorney General of California  
2 MARY CAIN-SIMON  
Supervising Deputy Attorney General  
3 CAROLYNE EVANS  
Deputy Attorney General  
4 State Bar No. 289206  
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  
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.

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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 acetaminophen<sup>2</sup> and oxycodone<sup>3</sup> 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 equivalency<sup>4</sup> (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 clonazepam<sup>5</sup> 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 <sup>2</sup> 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 <sup>3</sup> 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 <sup>4</sup> 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 <sup>5</sup> 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