

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

In the Matter of the Accusation
Against:

Benjamin Hanna Meyer, M.D.

Physician's and Surgeon's
License No. G88684

Respondent

Case No. 800-2018-047128

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 April 16, 2021.

IT IS SO ORDERED: March 19, 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 LYNNE K. DOMBROWSKI
Deputy Attorney General
4 State Bar No. 128080
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
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E-mail: Lynne.Dombrowski@doj.ca.gov
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 **BENJAMIN HANNA MEYER, M.D.**
14 115 Hospital Dr
15 Ukiah CA 95482-4591

16 Physician's and Surgeon's Certificate
17 No. G 88684

18 Respondent.

Case No. 800-2018-047128

OAH No. 2020 100271

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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). He brings this action solely in his official capacity and is represented in this
25 matter by Xavier Becerra, Attorney General of the State of California, by Lynne K. Dombrowski,
26 Deputy Attorney General.

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2. Respondent Benjamin Hanna Meyer, M.D. (Respondent) is represented in this proceeding by attorney Mr. Gregory Abrams, whose address is: Abrams Health Law, 6045 Shirley Drive, Oakland, CA 94611-1600.

3. On or about May 5, 2010, the Board issued Physician's and Surgeon's Certificate No. G 88684 to Benjamin Hanna Meyer, 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 No. 800-2018-047128, and will expire on January 31, 2022, unless renewed.

JURISDICTION

4. Accusation No. 800-2018-047128 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 February 27, 2020. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2018-047128 is attached as Exhibit A and is 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. 800-2018-047128. 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; 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.

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1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 800-2018-047128.

4 10. Respondent agrees that his Physician's and Surgeon's Certificate is subject to
5 discipline and he agrees to be bound by the Board's probationary terms as set forth in the
6 Disciplinary Order below.

7 CONTINGENCY

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

18 12. Respondent agrees that if he ever petitions for early termination or modification of
19 probation, or if an accusation and/or petition to revoke probation is filed against him before the
20 Board, all of the charges and allegations contained in Accusation No. 800-2018-047128 shall be
21 deemed true; correct, and fully admitted by Respondent for purposes of any such proceeding or
22 any other licensing proceeding involving Respondent in the State of California.

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

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

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1 deems relevant and shall furnish a written evaluation report to the Board or its designee.

2 Psychiatric evaluations conducted prior to the effective date of the Decision shall not be accepted
3 towards the fulfillment of this requirement. Respondent shall pay the cost of all psychiatric
4 evaluations and psychological testing.

5 Respondent shall comply with all restrictions or conditions recommended by the evaluating
6 psychiatrist within 15 calendar days after being notified by the Board or its designee.

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

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

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

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

10 5. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
11 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
12 advanced practice nurses.

13 6. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
14 governing the practice of medicine in California and remain in full compliance with any court
15 ordered criminal probation, payments, and other orders.

16 7. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
17 under penalty of perjury on forms provided by the Board, stating whether there has been
18 compliance with all the conditions of probation.

19 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
20 of the preceding quarter.

21 8. GENERAL PROBATION REQUIREMENTS.

22 Compliance with Probation Unit

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

24 Address Changes

25 Respondent shall, at all times, keep the Board informed of Respondent's business and
26 residence addresses, email address (if available), and telephone number. Changes of such
27 addresses shall be immediately communicated in writing to the Board or its designee. Under no

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1 circumstances shall a post office box serve as an address of record, except as allowed by Business
2 and Professions Code section 2021, subdivision (b).

3 Place of Practice

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

7 License Renewal

8 Respondent shall maintain a current and renewed California physician's and surgeon's
9 license.

10 Travel or Residence Outside California

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

14 In the event Respondent should leave the State of California to reside or to practice,
15 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
16 departure and return.

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

20 10. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
21 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
22 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
23 defined as any period of time Respondent is not practicing medicine as defined in Business and
24 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
25 patient care, clinical activity or teaching, or other activity as approved by the Board. If
26 Respondent resides in California and is considered to be in non-practice, Respondent shall
27 comply with all terms and conditions of probation. All time spent in an intensive training
28 program which has been approved by the Board or its designee shall not be considered non-

1 practice and does not relieve Respondent from complying with all the terms and conditions of
2 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
3 on probation with the medical licensing authority of that state or jurisdiction shall not be
4 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
5 period of non-practice.

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

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

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

13 Periods of non-practice for a Respondent residing outside of California will relieve
14 Respondent of the responsibility to comply with the probationary terms and conditions with the
15 exception of this condition and the following terms and conditions of probation: Obey All Laws;
16 General Probation Requirements; and Quarterly Declarations.

17 11. COMPLETION OF PROBATION. Respondent shall comply with all financial
18 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
19 completion of probation. Upon successful completion of probation, Respondent's certificate shall
20 be fully restored.

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

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

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

16 15. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
17 a new license or certification, or petition for reinstatement of a license, by any other health care
18 licensing action agency in the State of California, all of the charges and allegations contained in
19 Accusation No. 800-2018-047128 shall be deemed to be true, correct, and admitted by
20 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
21 restrict license.

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DATED:

1/25/21

Benjamin Hanna Meyer MD
BENJAMIN HANNA MEYER, M.D.
Respondent

DATED:

1/25/21


GREGORY ABRAMS
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: 02/04/2021

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General

Lynne K. Dombrowski
LYNNE K. DOMBROWSKI
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2018-047128

1 XAVIER BECERRA
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2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 LYNNE K. DOMBROWSKI
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7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO February 27 20 20
BY: Anna Pagan ANALYST

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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. 800-2018-047128

13 Benjamin Hanna Meyer, M.D.
14 115 Hospital Dr
Ukiah, CA 95482-4591

ACCUSATION

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16 Physician's and Surgeon's Certificate
No. G 88684,

17 Respondent.
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20 PARTIES

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

24 2. On or about May 5, 2010, the Medical Board issued Physician's and Surgeon's
25 Certificate Number G 88684 to Benjamin Hanna Meyer, M.D. (Respondent). The Physician's
26 and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
27 herein and will expire on January 31, 2022, unless renewed.
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JURISDICTION

3. 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.

4. 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 which is substantially related to the qualifications, functions, or duties of a physician and surgeon.

(f) Any action or conduct which would have warranted the denial of a certificate.

(g) The practice of medicine from this state into another state or country without meeting the legal requirements of that state or country for the practice of medicine. Section 2314 shall not apply to this subdivision. This subdivision shall become operative upon the implementation of the proposed registration program described in Section 2052.5.

(h) The repeated 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."

1 5. Section 2236 of the Code states:

2 “(a) The conviction of any offense substantially related to the qualifications,
3 functions, or duties of a physician and surgeon constitutes unprofessional conduct
4 within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record
of conviction shall be conclusive evidence only of the fact that the conviction
occurred.

5 (b) The district attorney, city attorney, or other prosecuting agency shall notify
6 the Division of Medical Quality of the pendency of an action against a licensee
7 charging a felony or misdemeanor immediately upon obtaining information that the
8 defendant is a licensee. The notice shall identify the licensee and describe the crimes
charged and the facts alleged. The prosecuting agency shall also notify the clerk of
the court in which the action is pending that the defendant is a licensee, and the clerk
shall record prominently in the file that the defendant holds a license as a physician
and surgeon.

9 (c) The clerk of the court in which a licensee is convicted of a crime shall,
10 within 48 hours after the conviction, transmit a certified copy of the record of
11 conviction to the board. The division may inquire into the circumstances surrounding
the commission of a crime in order to fix the degree of discipline or to determine if
12 the conviction is of an offense substantially related to the qualifications, functions, or
duties of a physician and surgeon.

13 (d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is
14 deemed to be a conviction within the meaning of this section and Section 2236.1.
The record of conviction shall be conclusive evidence of the fact that the conviction
occurred.”

15 6. Section 481 of the Code states:

16 “Each board under the provisions of this code shall develop criteria to aid it,
17 when considering the denial, suspension or revocation of a license, to determine
18 whether a crime or act is substantially related to the qualifications, functions, or
duties of the business or profession it regulates.

19 (b) This section shall become inoperative on July 1, 2020, and, as of January 1,
20 2021, is repealed.”

21 7. Section 493 of the Code states, in pertinent part:

22 “Notwithstanding any other provision of law, in a proceeding conducted by a
23 board within the department pursuant to law to deny an application for a license or to
suspend or revoke a license or otherwise take disciplinary action against a person who
24 holds a license, upon the ground that the applicant or the licensee has been convicted
of a crime substantially related to the qualifications, functions, and duties of the
25 licensee in question, the record of conviction of the crime shall be conclusive
evidence of the fact that the conviction occurred, but only of that fact, and the board
may inquire into the circumstances surrounding the commission of the crime in order
26 to fix the degree of discipline or to determine if the conviction is substantially related
to the qualifications, functions, and duties of the licensee in question. . . .”

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REGULATORY PROVISIONS

8. California Code of Regulations, title 16, section 1360, states:

“For the purposes of denial, suspension or revocation of a license, certificate or permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license, certificate or permit under the Medical Practice Act if to a substantial degree it evidences present or potential unfitness of a person holding a license, certificate or permit to perform the functions authorized by the license, certificate or permit in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include but not be limited to the following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision of the Medical Practice Act.”

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Felony Convictions for offenses substantially related to qualifications, functions, or duties of a physician.)

9. Respondent Benjamin Hanna Meyer, M.D. is subject to disciplinary action under sections 2234 and 2236 in that Respondent was convicted of two felony crimes, which criminal acts are considered to be substantially related to the qualifications, functions or duties of a person holding a license to practice medicine under the California Medical Practice Act, as described herein.

10. On or about August 12, 2018, Respondent entered a neighbor's property in Ukiah (Mendocino County) and used a shotgun to shoot multiple times at two of his neighbor's dogs while they were in enclosed pens. One dog died on site and the other was seriously injured and was euthanized later that day.

11. On August 24, 2018, a criminal felony complaint was filed against Respondent in the Superior Court of the County of Mendocino in *The People of the State of California v. Benjamin Hanna Meyer*, Case No. SCU-K-CRCR-18-95406-001. On December 4, 2018, an Information was filed. Counts One and Two alleged felony counts for the unlawful maiming of an animal, violations of California Penal Code section 597(a), and each charge included a special allegation of use of a personal firearm (a shotgun) during the commission of a felony, pursuant to California Penal Code section 12022.5(a). Count Three alleged felony assault with a firearm, in violation of

1 California Penal Code section 245(a)(2). Count Four alleged Respondent made a felony criminal
2 threat against his neighbor, in violation of California Penal Code section 422. Counts Three and
3 Four also included special allegations for the use of a personal firearm in the commission of a
4 felony, pursuant to Penal Code Section 12022.5(a).

5 12. On or about April 22, 2019, Respondent pled guilty to and was convicted on Counts
6 One and Two for the unlawful killing of an animal, both felonies and violations of Penal Code
7 Section 597(a), along with the First Special Allegation of Penal Code Section 12022.5(a), the
8 personal use of a firearm during the commission of a felony.

9 13. On or about June 28, 2019, Respondent was sentenced to 180 days of jail, but the
10 imposition of the sentence was suspended and Respondent was placed on formal probation for 36
11 months, which included the following terms and conditions: prohibition of any direct or indirect
12 contact with the victim/neighbor; prohibition from possessing any kind of firearm and
13 ammunition; evaluation by a licensed therapist or the Mental Health Department and, if deemed
14 appropriate, participation in counseling; completion of 100 hours of community service through
15 the Alternative Services Program within the first fifteen months of probation; provision of a DNA
16 sample; enrollment in a 12-week certified anger management program; payment of restitution to
17 the victim and payment of fines, costs, and fees.

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19 PRAYER

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

22 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 88684,
23 issued to Benjamin Hanna Meyer, M.D.;

24 2. Revoking, suspending or denying approval of Benjamin Hanna Meyer, M.D.'s
25 authority to supervise physician assistants and advanced practice nurses;

26 3. Ordering Benjamin Hanna Meyer, M.D., if placed on probation, to pay the Board the
27 costs of probation monitoring; and

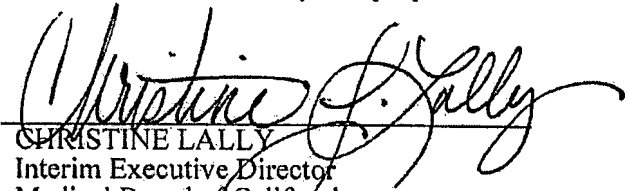
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4. Taking such other and further action as deemed necessary and proper.

DATED: **FEB 27 2020**


CHRISTINE LALLY
Interim Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

SF2019202295