

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

In the Matter of the Accusation Against:

Mats Fredrik Hagstrom, M.D.

Case No. 800-2019-052252

Physician's & Surgeon's
Certificate No. G 80721

Respondent.

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 30, 2021.

IT IS SO ORDERED: April 2, 2021.

MEDICAL BOARD OF CALIFORNIA



Ronald H. Lewis, M.D., Chair
Panel A

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
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8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2019-052252

13 **MATS FREDRIK HAGSTROM, M.D.**
909 Hyde St., suite 423
San Francisco, CA 94109

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Physician's and Surgeon's Certificate No. G
80721

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
21 California (Board). He brought this action solely in his official capacity and is represented in this
22 matter by Xavier Becerra, Attorney General of the State of California, by Jane Zack Simon,
23 Supervising Deputy Attorney General.

24 2. Respondent Mats Fredrik Hagstrom, M.D. (Respondent) is represented in this
25 proceeding by Mark Oium of Oium Reyen & Pryor, 220 Montgomery Street, San Francisco CA
26 94104.

27 3. On March 1, 1995, the Board issued Physician's and Surgeon's Certificate No. G
28 80721 to Mats Fredrik Hagstrom, M.D. The Physician's and Surgeon's Certificate was in full

1 force and effect at all times relevant to the charges brought in Accusation No. 800-2019-052252,
2 and will expire on March 31, 2023, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 800-2019-052252 was filed before the Board, and is currently
5 pending against Respondent. The Accusation and all other statutorily required documents were
6 properly served on Respondent on November 12, 2020. Respondent timely filed his Notice of
7 Defense contesting the Accusation.

8 5. A copy of Accusation No. 800-2019-052252 is attached as Exhibit A.

9 **ADVISEMENT AND WAIVERS**

10 6. Respondent has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in Accusation No. 800-2019-052252. Respondent has also carefully read,
12 fully discussed with his counsel, and understands the effects of this Stipulated Settlement and
13 Disciplinary Order.

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

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

22 **CULPABILITY**

23 9. Respondent understands and agrees that the charges and allegations in Accusation
24 No. 800-2019-052252, if proven at a hearing, constitute cause for imposing discipline upon his
25 Physician's and Surgeon's Certificate.

26 10. Respondent does not contest that, at an administrative hearing, Complainant could
27 establish a prima facie case with respect to the charges and allegations in Accusation No. 800-
28

1 2019-052252, and that he has thereby subjected his Physician's and Surgeon's Certificate, No. G
2 80721 to disciplinary action.

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

6 **CONTINGENCY**

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

17 13. Respondent agrees that if he ever petitions for early termination or modification of
18 probation, or if an accusation and/or petition to revoke probation is filed against him before the
19 Board, all of the charges and allegations contained in Accusation No. 800-2019-052252 shall be
20 deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any
21 other licensing proceeding involving Respondent in the State of California.

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

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

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1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 80721 issued
3 to Respondent Mats Fredrik Hagstrom, M.D. is revoked. However, the revocation is stayed and
4 Respondent is placed on probation for seven (7) years on the following terms and conditions:

5 1. **CONTROLLED SUBSTANCES - ABSTAIN FROM USE.** Respondent shall abstain
6 completely from the personal use or possession of controlled substances as defined in the
7 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and
8 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not
9 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide
10 illness or condition.

11 Within 15 calendar days of receiving any lawfully prescribed medications, Respondent
12 shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone
13 number; medication name, strength, and quantity; and issuing pharmacy name, address, and
14 telephone number.

15 2. **ALCOHOL - ABSTAIN FROM USE.** Respondent shall abstain completely from
16 the use of products or beverages containing alcohol.

17 3. **PSYCHIATRIC/SUBSTANCE ABUSE EVALUATION.** At the Board's
18 discretion, and on whatever periodic basis that may be required by the Board or its designee,
19 Respondent shall undergo and complete a psychiatric and/or substance abuse evaluation (and
20 associated testing, if deemed necessary) by a Board-appointed evaluator, who shall consider any
21 information provided by the Board or its designee and any other information the evaluator deems
22 relevant, and shall furnish a written evaluation report to the Board or its designee. Respondent
23 shall cooperate fully with any evaluation, and shall pay the cost of all evaluations and testing.
24 Respondent shall comply with all restrictions or conditions recommended by the evaluator within
25 15 calendar days after being notified by the Board or its designee.

26 4. **NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION.** Within seven
27 (7) days of the effective date of this Decision, Respondent shall provide to the Board the names,
28 physical addresses, mailing addresses, and telephone numbers of any and all employers and

1 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's
2 worksite monitor, and Respondent's employers and supervisors to communicate regarding
3 Respondent's work status, performance, and monitoring.

4 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or
5 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff
6 privileges.

7 5. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
8 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
9 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
10 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall
11 make daily contact with the Board or its designee to determine whether biological fluid testing is
12 required. Respondent shall be tested on the date of the notification as directed by the Board or its
13 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at
14 any time, including weekends and holidays. Except when testing on a specific date as ordered by
15 the Board or its designee, the scheduling of biological fluid testing shall be done on a random
16 basis. The cost of biological fluid testing shall be borne by the Respondent.

17 During the first year of probation, Respondent shall be subject to 52 to 104 random tests.
18 During the second year of probation and for the duration of the probationary term, up to five (5)
19 years, Respondent shall be subject to 36 to 104 random tests per year. Only if there has been no
20 positive biological fluid tests in the previous five (5) consecutive years of probation, may testing
21 be reduced to one (1) time per month. Nothing precludes the Board from increasing the number
22 of random tests to the first-year level of frequency for any reason.

23 Prior to practicing medicine, Respondent shall contract with a laboratory or service,
24 approved in advance by the Board or its designee, that will conduct random, unannounced,
25 observed, biological fluid testing and meets all of the following standards:

- 26 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry
27 Association or have completed the training required to serve as a collector for the United
28 States Department of Transportation.

1 (b) Its specimen collectors conform to the current United States Department of
2 Transportation Specimen Collection Guidelines.

3 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published
4 by the United States Department of Transportation without regard to the type of test
5 administered.

6 (d) Its specimen collectors observe the collection of testing specimens.

7 (e) Its laboratories are certified and accredited by the United States Department of Health
8 and Human Services.

9 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day
10 of receipt and all specimens collected shall be handled pursuant to chain of custody
11 procedures. The laboratory shall process and analyze the specimens and provide legally
12 defensible test results to the Board within seven (7) business days of receipt of the
13 specimen. The Board will be notified of non-negative results within one (1) business day
14 and will be notified of negative test results within seven (7) business days.

15 (g) Its testing locations possess all the materials, equipment, and technical expertise
16 necessary in order to test Respondent on any day of the week.

17 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens
18 for the detection of alcohol and illegal and controlled substances.

19 (i) It maintains testing sites located throughout California.

20 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line
21 computer database that allows the Respondent to check in daily for testing.

22 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff
23 access to drug test results and compliance reporting information that is available 24 hours a
24 day.

25 (l) It employs or contracts with toxicologists that are licensed physicians and have
26 knowledge of substance abuse disorders and the appropriate medical training to interpret
27 and evaluate laboratory biological fluid test results, medical histories, and any other
28 information relevant to biomedical information.

1 (m) It will not consider a toxicology screen to be negative if a positive result is obtained
2 while practicing, even if the Respondent holds a valid prescription for the substance.

3 Prior to changing testing locations for any reason, including during vacation or other travel,
4 alternative testing locations must be approved by the Board and meet the requirements above.

5 The contract shall require that the laboratory directly notify the Board or its designee of
6 non-negative results within one (1) business day and negative test results within seven (7)
7 business days of the results becoming available. Respondent shall maintain this laboratory or
8 service contract during the period of probation.

9 A certified copy of any laboratory test result shall be received in evidencen in any
10 proceedings between the Board and Respondent.

11 If a biological fluid test result indicates Respondent has used, consumed, ingested, or
12 administered to himself or herself a prohibited substance, the Board shall order Respondent to
13 cease practice and instruct Respondent to leave any place of work where Respondent is practicing
14 medicine or providing medical services. The Board shall immediately notify all of Respondent's
15 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or
16 provide medical services while the cease-practice order is in effect.

17 A biological fluid test will not be considered negative if a positive result is obtained while
18 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited
19 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

20 After the issuance of a cease-practice order, the Board shall determine whether the positive
21 biological fluid test is in fact evidence of prohibited substance use by consulting with the
22 specimen collector and the laboratory, communicating with the licensee, his or her treating
23 physician(s), other health care provider, or group facilitator, as applicable.

24 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the
25 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

26 For purposes of this condition, the term "prohibited substance" means an illegal drug, a
27 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by
28 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been

1 instructed by the Board not to use, consume, ingest, or administer to himself or herself.

2 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited
3 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the
4 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to
5 any other terms or conditions the Board determines are necessary for public protection or to
6 enhance Respondent's rehabilitation.

7 6. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days
8 of the effective date of this Decision, Respondent shall submit to the Board or its designee, for its
9 prior approval, the name of a substance abuse support group which he or she shall attend for the
10 duration of probation. Respondent shall attend substance abuse support group meetings at least
11 once per week, or as ordered by the Board or its designee. Respondent shall pay all substance
12 abuse support group meeting costs.

13 The facilitator of the substance abuse support group meeting shall have a minimum of three
14 (3) years experience in the treatment and rehabilitation of substance abuse, and shall be licensed
15 or certified by the state or nationally certified organizations. The facilitator shall not have a
16 current or former financial, personal, or business relationship with Respondent within the last five
17 (5) years. Respondent's previous participation in a substance abuse group support meeting led by
18 the same facilitator does not constitute a prohibited current or former financial, personal, or
19 business relationship.

20 The facilitator shall provide a signed document to the Board or its designee showing
21 Respondent's name, the group name, the date and location of the meeting, Respondent's
22 attendance, and Respondent's level of participation and progress. The facilitator shall report any
23 unexcused absence by Respondent from any substance abuse support group meeting to the Board,
24 or its designee, within twenty-four (24) hours of the unexcused absence.

25 7. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within
26 thirty (30) calendar days of the effective date of this Decision, Respondent shall submit to the
27 Board or its designee for prior approval as a worksite monitor, the name and qualifications of one
28 or more licensed physician and surgeon, other licensed health care professional if no physician

1 and surgeon is available, or, as approved by the Board or its designee, a person in a position of
2 authority who is capable of monitoring the Respondent at work. Respondent shall have an
3 approved worksite monitor for each location where Respondent practices medicine.

4 The worksite monitor shall not have a current or former financial, personal, or familial
5 relationship with Respondent, or any other relationship that could reasonably be expected to
6 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its
7 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite
8 monitor, this requirement may be waived by the Board or its designee, however, under no
9 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

10 The worksite monitor shall have an active unrestricted license with no disciplinary action
11 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms
12 and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth
13 by the Board or its designee.

14 Respondent shall pay all worksite monitoring costs.

15 The worksite monitor shall have face-to-face contact with Respondent in the work
16 environment on as frequent a basis as determined by the Board or its designee, but not less than
17 once per week; interview other staff in the office regarding Respondent's behavior, if requested
18 by the Board or its designee; and review Respondent's work attendance.

19 The worksite monitor shall verbally report any suspected substance abuse to the Board and
20 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected
21 substance abuse does not occur during the Board's normal business hours, the verbal report shall
22 be made to the Board or its designee within one (1) hour of the next business day. A written
23 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and
24 any other information deemed important by the worksite monitor shall be submitted to the Board
25 or its designee within 48 hours of the occurrence.

26 The worksite monitor shall complete and submit a written report monthly or as directed by
27 the Board or its designee which shall include the following: (1) Respondent's name and
28 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)

1 the worksite monitor's license number, if applicable; (4) the location or location(s) of the
2 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the
3 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;
4 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can
5 lead to suspected substance abuse by Respondent. Respondent shall complete any required
6 consent forms and execute agreements with the approved worksite monitor and the Board, or its
7 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

8 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)
9 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior
10 approval, the name and qualifications of a replacement monitor who will be assuming that
11 responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a
12 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the
13 monitor, Respondent shall receive a notification from the Board or its designee to cease the
14 practice of medicine within three (3) calendar days after being so notified. Respondent shall
15 cease the practice of medicine until a replacement monitor is approved and assumes monitoring
16 responsibility.

17 8. VIOLETION OF PROBATION CONDITION FOR SUBSTANCE ABUSING
18 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of
19 probation.

20 A. If Respondent commits a major violation of probation as defined by section
21 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
22 one or more of the following actions:

23 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical
24 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
25 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice
26 order issued by the Board or its designee shall state that Respondent must test negative for at least
27 a month of continuous biological fluid testing before being allowed to resume practice. For
28 purposes of determining the length of time a Respondent must test negative while undergoing

1 continuous biological fluid testing following issuance of a cease-practice order, a month is
2 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until
3 notified in writing by the Board or its designee that he or she may do so.

4 (2) Increase the frequency of biological fluid testing.

5 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or
6 other action as determined by the Board or its designee.

7 B. If Respondent commits a minor violation of probation as defined by section
8 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
9 one or more of the following actions:

10 (1) Issue a cease-practice order;

11 (2) Order practice limitations;

12 (3) Order or increase supervision of Respondent;

13 (4) Order increased documentation;

14 (5) Issue a citation and fine, or a warning letter;

15 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in
16 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of
17 Regulations, at Respondent's expense;

18 (7) Take any other action as determined by the Board or its designee.

19 C. Nothing in this Decision shall be considered a limitation on the Board's authority
20 to revoke Respondent's probation if he or she has violated any term or condition of probation. If
21 Respondent violates probation in any respect, the Board, after giving Respondent notice and the
22 opportunity to be heard, may revoke probation and carry out the disciplinary order that was
23 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed
24 against Respondent during probation, the Board shall have continuing jurisdiction until the matter
25 is final, and the period of probation shall be extended until the matter is final.

26 9. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar
27 days of the effective date of this Decision, Respondent shall enroll in a professionalism program,
28 that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.

1 Respondent shall participate in and successfully complete that program. Respondent shall
2 provide any information and documents that the program may deem pertinent. Respondent shall
3 successfully complete the classroom component of the program not later than six (6) months after
4 Respondent's initial enrollment, and the longitudinal component of the program not later than the
5 time specified by the program, but no later than one (1) year after attending the classroom
6 component. The professionalism program shall be at Respondent's expense and shall be in
7 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

8 A professionalism program taken after the acts that gave rise to the charges in the
9 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
10 or its designee, be accepted towards the fulfillment of this condition if the program would have
11 been approved by the Board or its designee had the program been taken after the effective date of
12 this Decision.

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

16 10. PATIENT DISCLOSURE. Before a patient's first visit following the effective
17 date of this order and while Respondent is on probation, Respondent must provide all patients, or
18 patient's guardian or health care surrogate, with a separate disclosure that includes Respondent's
19 probation status, the length of the probation, the probation end date, all practice restrictions
20 placed on Respondent by the Board, the Board's telephone number, and an explanation of how
21 the patient can find further information on Respondent's probation on Respondent's profile page
22 on the Board's website. Respondent shall obtain from the patient, or the patient's guardian or
23 health care surrogate, a separate, signed copy of that disclosure. Respondent shall not be required
24 to provide a disclosure if any of the following applies: (1) The patient is unconscious or
25 otherwise unable to comprehend the disclosure and sign the copy of the disclosure and a guardian
26 or health care surrogate is unavailable to comprehend the disclosure and sign the copy; (2) The
27 visit occurs in an emergency room or an urgent care facility or the visit is unscheduled, including
28 consultations in inpatient facilities; (3) Respondent is not known to the patient until immediately

1 prior to the start of the visit; (4) Respondent does not have a direct treatment relationship with the
2 patient.

3 11. CONTROLLED SUBSTANCES - MAINTAIN RECORDS AND ACCESS TO
4 RECORDS AND INVENTORIES. Respondent shall maintain a record of all controlled
5 substances ordered, prescribed, dispensed, administered, or possessed by Respondent, and any
6 recommendation or approval which enables a patient or patient's primary caregiver to possess or
7 cultivate marijuana for the personal medical purposes of the patient within the meaning of Health
8 and Safety Code section 11362.5, during probation, showing all of the following: 1) the name and
9 address of the patient; 2) the date; 3) the character and quantity of controlled substances involved;
10 and 4) the indications and diagnosis for which the controlled substances were furnished.

11 Respondent shall keep these records in a separate file or ledger, in chronological order. All
12 records and any inventories of controlled substances shall be available for immediate inspection
13 and copying on the premises by the Board or its designee at all times during business hours and
14 shall be retained for the entire term of probation.

15 12. SOLO PRACTICE PROHIBITION: Respondent is prohibited from engaging in
16 the solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice
17 where: 1) Respondent merely shares office space with another physician but is not affiliated for
18 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that
19 location.

20 If Respondent fails to establish a practice with another physician or secure employment in
21 an appropriate practice setting within 60 calendar days of the effective date of this Decision,
22 Respondent shall receive a notification from the Board or its designee to cease the practice of
23 medicine within three (3) calendar days after being so notified. The Respondent shall not resume
24 practice until an appropriate practice setting is established.

25 If, during the course of the probation, the Respondent's practice setting changes and the
26 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent
27 shall notify the Board or its designee within five (5) calendar days of the practice setting change.
28 If Respondent fails to establish a practice with another physician or secure employment in an

1 appropriate practice setting within 60 calendar days of the practice setting change, Respondent
2 shall receive a notification from the Board or its designee to cease the practice of medicine within
3 three (3) calendar days after being so notified. The Respondent shall not resume practice until an
4 appropriate practice setting is established.

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

13 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

14 14. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
15 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
16 advanced practice nurses.

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

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

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

25 17. GENERAL PROBATION REQUIREMENTS.

26 Compliance with Probation Unit

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

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1 Address Changes

2 Respondent shall, at all times, keep the Board informed of Respondent's business and
3 residence addresses, email address (if available), and telephone number. Changes of such
4 addresses shall be immediately communicated in writing to the Board or its designee. Under no
5 circumstances shall a post office box serve as an address of record, except as allowed by Business
6 and Professions Code section 2021, subdivision (b).

7 Place of Practice

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

11 License Renewal

12 Respondent shall maintain a current and renewed California physician's and surgeon's
13 license.

14 Travel or Residence Outside California

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

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

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

24 19. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board
25 or its designee in writing within 15 calendar days of any periods of non-practice lasting more than
26 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
27 defined as any period of time Respondent is not practicing medicine as defined in Business and
28 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct

1 patient care, clinical activity or teaching, or other activity as approved by the Board. If
2 Respondent resides in California and is considered to be in non-practice, Respondent shall
3 comply with all terms and conditions of probation. All time spent in an intensive training
4 program which has been approved by the Board or its designee shall not be considered non-
5 practice and does not relieve Respondent from complying with all the terms and conditions of
6 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
7 on probation with the medical licensing authority of that state or jurisdiction shall not be
8 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
9 period of non-practice.

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

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

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

17 Periods of non-practice for a Respondent residing outside of California will relieve
18 Respondent of the responsibility to comply with the probationary terms and conditions with the
19 exception of this condition and the following terms and conditions of probation: Obey All Laws;
20 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
21 Controlled Substances; and Biological Fluid Testing..

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

26 21. VIOLATION OF PROBATION. Failure to fully comply with any term or
27 condition of probation is a violation of probation. If Respondent violates probation in any
28 respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke

1 probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to
2 Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation,
3 the Board shall have continuing jurisdiction until the matter is final, and the period of probation
4 shall be extended until the matter is final.

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

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

20 24. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply
21 for a new license or certification, or petition for reinstatement of a license, by any other health
22 care licensing action agency in the State of California, all of the charges and allegations contained
23 in Accusation No. 800-2019-052252 shall be deemed to be true, correct, and admitted by
24 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
25 restrict license.

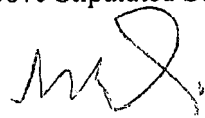
26 ACCEPTANCE

27 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
28 discussed it with my attorney, Mark Oium. I understand the stipulation and the effect it will have

1 on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
2 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
3 Decision and Order of the Medical Board of California.

4 DATED: 2-17-2021 
5 _____
6 **MATS FREDRIK HAGSTROM, M.D.**
Respondent

7 I have read and fully discussed with Respondent Mats Fredrik Hagstrom, M.D. the terms
8 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
9 Order. I approve its form and content.

10 DATED: 2-17-2021 
11 _____
12 **MARK OIUM**
13 Oium Reyen & Pryor
14 *Attorneys for Respondent*

15 **ENDORSEMENT**

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

18 DATED: 2/17/2021

19 Respectfully submitted,

20 XAVIER BECERRA
21 Attorney General of California

22 
23 **JANE ZACK SIMON**
24 Supervising Deputy Attorney General
25 *Attorneys for Complainant*

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27 42426715.docx

Exhibit A

Accusation No. 800-2019-052252

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Attorney General of California
2 JANE ZACK SIMON
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Attorneys for Complainant

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 800-2019-052252

12 **Mats Fredrik Hagstrom, M.D.**
13 909 Hyde St., Suite 423
San Francisco, CA 94109

A C C U S A T I O N

14 Physician's and Surgeon's Certificate
15 No. G 80721,

16 Respondent.

17
18 **PARTIES**

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

22 2. On March 1, 1995, the Medical Board issued Physician's and Surgeon's Certificate
23 Number G 80721 to Mats Fredrik Hagstrom, M.D. (Respondent). The Physician's and Surgeon's
24 Certificate was in full force and effect at all times relevant to the charges brought herein and will
25 expire on March 31, 2021, unless renewed.

26 **JURISDICTION**

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

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

3 4. Section 2234 of the Code provides that the Board shall take action against any
4 licensee who is charged with unprofessional conduct.

5 5. Section 2239 of the Code provides that it is unprofessional conduct for a licensee to
6 use alcohol, dangerous drugs or controlled substances to the extent or in such a manner as to be
7 dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that
8 such use impairs the ability of the licensee to practice medicine safely.

9 6. Section 822 of the Code provides that the Board may take action if a licentiate's
10 ability to practice his or her profession safely is impaired because of mental or physical illness.

11 7. Section 2228.1 of the Code provides, in pertinent part, that the Board shall require a
12 licensee who is disciplined based on drug or alcohol abuse to the extent that such use impairs the
13 ability of the licensee to practice safely to disclose to his or her patients information regarding his
14 or her probation status. The licensee is required to disclose: Probation status, the length of the
15 probation, the probation end date, all practice restrictions placed on the license by the Board, the
16 Board's telephone number, and an explanation of how the patient can find further information on
17 the licensee's probation on the Board's Internet Web site.

18 **FACTUAL ALLEGATIONS**

19 8. Respondent is a plastic surgeon who maintains cosmetic plastic surgery practices in
20 San Francisco and Roseville, California.

21 9. In January 2019, the Medical Board received a complaint from a physician who
22 treated Respondent in the hospital for acute renal failure resulting from opioid withdrawal. A
23 urine test taken during the hospitalization was positive for multiple illicit substances, including
24 codeine, morphine, hydromorphone, oxycodone and oxymorphone, none of which were
25 prescribed to Respondent.

26 10. Respondent has a lengthy history of substance abuse dating back to his residency
27 training. Respondent was referred to and completed the Medical Board's former Diversion
28 Program in the "mid-1990s," but maintains that he continued to use alcohol while he was in the

1 Diversion Program and after he completed the Program. Over the past two decades, Respondent
2 has alternated between periods of sobriety and relapse. During relapses, Respondent reports
3 using multiple illicit substances including oxycodone, fentanyl, ketamine, cocaine,
4 benzodiazepines and heroin, purchased for the most part from street dealers. When not using,
5 Respondent maintained sobriety with drugs such as Suboxone or buprenorphine,¹ some of which
6 were prescribed and some purchased on the street. On occasion, between 2015-2017, Respondent
7 acknowledged that he prescribed benzodiazepines to his girlfriend and members of his office
8 staff, for the purpose of diverting them for self-use. Respondent continued his heavy alcohol use.

9 11. When Respondent presented to the hospital in acute renal failure in January 2019, he
10 reported that he had been using up to 320 mg of oxycodone per day and drinking half a bottle of
11 liquor per night. Throughout this period, Respondent saw patients and had performed surgery the
12 same day he was hospitalized for opioid withdrawal. Respondent's treating physician referred
13 him for substance abuse treatment.

14 12. Respondent underwent an addiction medicine screening and evaluation in early
15 February 2019. The recommendation was for intensive treatment, but Respondent declined
16 because he did not wish to stop working. He entered a less intensive recovery program in early
17 February 2019, and reports that he has maintained sobriety since that time. He is prescribed
18 Suboxone, but it was not until May 2019 that he agreed to relinquish the "supply" of Suboxone he
19 had purchased on the street. In the summer of 2020, Respondent was non-compliant with the
20 requirements of his treatment program in that he failed to attend scheduled appointments or attend
21 required online meetings.

22 13. Respondent underwent an evaluation by a Board-appointed psychiatrist. The
23 evaluator concluded that Respondent has a severe opioid use disorder that is currently in
24 remission.² In addition, Respondent has a severe alcohol use disorder, also in remission, and a
25 generalized anxiety disorder. The evaluator noted the longstanding and severe nature of
26 Respondent's substance use disorders, his past history of treatment non-adherence, and the

27 ¹ Suboxone and buprenorphine are medications used to treat opioid addiction.

28 ² The evaluator noted that Respondent is on maintenance therapy, meaning that he is taking a prescribed agonist medication.

1 jeopardy created by Respondent's serious substance abuse. However, given that Respondent has
2 been in treatment and has been abstinent for more than 12 months, the evaluator concluded that
3 Respondent can safely practice medicine, but only if he remains abstinent and sober.

4 **FIRST CAUSE FOR BOARD ACTION**

5 (Impaired Ability to Safely Practice)

6 14. Respondent's certificate is subject to action by the Board pursuant to sections 2227
7 and 822 of the Code in that Respondent is impaired in his ability to safely practice medicine as a
8 result of mental illness and/or substance abuse.

9 **SECOND CAUSE FOR BOARD ACTION**

10 (Unprofessional Conduct: Dangerous Use of Drugs and Alcohol)

11 15. Respondent's certificate is subject to Board action for unprofessional conduct
12 pursuant to sections 2234 and/or 2239 of the Code in that his long history of drug and alcohol
13 abuse, obtaining illicit drugs for self-use, and diversion of drugs by use of his prescribing
14 privileges, constitute unprofessional conduct and the use of alcohol and controlled substances in a
15 manner dangerous to himself and the public.

16 **PRAYER**

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

19 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 80721,
20 issued to Mats Fredrik Hagstrom, M.D.;

21 2. Revoking, suspending or denying approval of Mats Fredrik Hagstrom, M.D.'s
22 authority to supervise physician assistants and advanced practice nurses;

23 3. Ordering Mats Fredrik Hagstrom, M.D., if placed on probation, to pay the Board the
24 costs of probation monitoring;

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4. Ordering Respondent, if placed on probation, to provide patient notification in accordance with Business and Professions Code section 2228.1; and

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

DATED: NOV 12 2020



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

SF2020401441/4237514