

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

In the Matter of the Petition to Revoke
Probation Against:

James Estabrook Hunt, M.D.

Physician's & Surgeon's
Certificate No. G 78304

Case No. 800-2021-074054

Respondent.

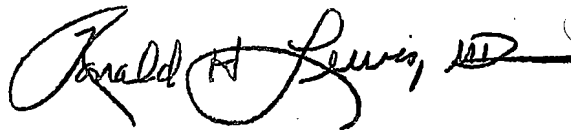
DECISION

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
Supervising Deputy Attorney General
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7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke
12 Probation Against:

Case No. 800-2021-074054

13 **JAMES ESTABROOK HUNT, M.D.**
14 1140 Sonoma Ave
Suite 2
Santa Rosa CA 95405

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15
16 Physician's and Surgeon's Certificate No. G
78304

17 Respondent.
18

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

21 **PARTIES**

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

26 2. Respondent James Estabrook Hunt, M.D. (Respondent) is represented in this
27 proceeding by attorney Marvin H. Firestone, M.D. J.D., whose address is: 1700 S. El Camino
28 Real Suite 408, San Mateo, CA 94402.

1 3. On January 26, 1994, the Board issued Physician's and Surgeon's Certificate No. G
2 78304 to James Estabrook Hunt, M.D. The Physician's and Surgeon's Certificate was in full force
3 and effect at all times relevant to the charges brought in Petition to Revoke Probation No. 800-
4 2021-074054, and will expire on August 31, 2021, unless renewed.

5 **JURISDICTION**

6 3. Petition to Revoke Probation No. 800-2021-074054 was filed before the Board, and is
7 currently pending against Respondent. The Petition to Revoke Probation and all other statutorily
8 required documents were properly served on Respondent, who timely filed his Notice of Defense
9 contesting the Petition to Revoke Probation.

10 4. A copy of Petition to Revoke Probation No. 800-2021-074054 is attached as Exhibit
11 A.

12 **ADVISEMENT AND WAIVERS**

13 5. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in Petition to Revoke Probation No. 800-2021-074054. Respondent has
15 also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated
16 Settlement and Disciplinary Order.

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

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

26 **CULPABILITY**

27 8. Respondent admits the truth of each and every charge and allegation in Petition to
28 Revoke Probation No. 800-2021-074054.

1 9. Respondent acknowledges the Disciplinary Order below, requiring the disclosure of
2 probation pursuant to Business and Professions Code section 2228.1, serves to protect the public
3 interest.

4 10. Respondent agrees that his Physician's and Surgeon's Certificate is subject to further
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, it shall be inadmissible in any legal
16 action between the parties, and the Board shall not be disqualified from further action by having
17 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 Petition to Revoke Probation No. 800-2021-
21 074054 shall be deemed true, correct and fully admitted by respondent for purposes of any such
22 proceeding or 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:

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 78304 issued
3 to Respondent James Estabrook Hunt, M.D. is revoked. However, the revocation is stayed.
4 Respondent's existing five (5) year probation, which became effective May 10, 2019, in Medical
5 Board of California Case No. 800-2015-019429, is hereby extended for an additional one (1) year
6 and consists of the following terms and conditions:

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

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

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

19 3. **PROFESSIONALISM PROGRAM (ETHICS COURSE)¹**. Within 60 calendar days
20 of the effective date of this Decision, Respondent shall enroll in a professionalism program, that
21 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
22 Respondent shall participate in and successfully complete that program. Respondent shall
23 provide any information and documents that the program may deem pertinent. Respondent shall
24 successfully complete the classroom component of the program not later than six (6) months after
25 Respondent's initial enrollment, and the longitudinal component of the program not later than the
26 time specified by the program, but no later than one (1) year after attending the classroom

27 _____
28 ¹ Respondent is not required to repeat the Professionalism Program if he has already
completed it in connection with his existing probation.

1 component. The professionalism program shall be at Respondent's expense and shall be in
2 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

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

11 4. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this
12 Decision, Respondent shall submit to the Board or its designee for prior approval the name and
13 qualifications of a California-licensed board certified psychiatrist. Upon approval, Respondent
14 shall undergo and continue treatment with the psychiatrist, and shall follow treatment
15 recommendations, including any modifications to the frequency of psychotherapy, until the Board
16 or its designee deems that no further psychotherapy is necessary. Respondent's treating
17 psychiatrist shall prescribe any and all psychotropic medication required by Respondent over the
18 course of probation, and shall coordinate care with other medical providers, including other
19 mental health providers who provide treatment to Respondent.

20 The psychotherapist shall consider any information provided by the Board or its designee
21 and any other information the psychotherapist deems relevant and shall furnish a written
22 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
23 psychotherapist with any information and documents that the psychotherapist may deem
24 pertinent.

25 Respondent shall have the treating psychotherapist submit quarterly status reports to the
26 Board or its designee. If, prior to the completion of probation, Respondent is found to be
27 mentally unfit to practice medicine without restrictions, the Board shall retain continuing
28 jurisdiction over Respondent's license and the period of probation shall be extended until the

1 Board determines that Respondent is mentally fit to practice medicine without restrictions.

2 Respondent shall pay the cost of all psychotherapy.

3 5. MEDICAL TREATMENT. Within 30 calendar days of the effective date of this
4 Decision, Respondent shall submit to the Board or its designee for prior approval the name and
5 qualifications of a California-licensed physician who shall serve as Respondent's primary care
6 physician. The primary care physician shall oversee and coordinate Respondent's medical care,
7 including prescribing necessary medications, and Respondent shall follow treatment
8 recommendations. Respondent shall have the treating physician submit quarterly reports to the
9 Board or its designee indicating whether or not Respondent is medically capable of practicing
10 medicine safely. Respondent shall pay the cost of any medical treatment.

11 6. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the
12 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice
13 where: 1) Respondent merely shares office space with another physician but is not affiliated for
14 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that
15 location. If Respondent fails to establish a practice with another physician or secure employment
16 in an appropriate practice setting within 60 calendar days of the effective date of this Decision,
17 Respondent shall receive a notification from the Board or its designee to cease the practice of
18 medicine within three (3) calendar days after being so notified. The Respondent shall not resume
19 practice until an appropriate practice setting is established.

20 If, during the course of the probation, the Respondent's practice setting changes and the
21 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent
22 shall notify the Board or its designee within five (5) calendar days of the practice setting change.
23 If Respondent fails to establish a practice with another physician or secure employment in an
24 appropriate practice setting within 60 calendar days of the practice setting change, Respondent
25 shall receive a notification from the Board or its designee to cease the practice of medicine within
26 three (3) calendar days after being so notified. The Respondent shall not resume practice until an
27 appropriate practice setting is established.

28 ///

1 7. PATIENT DISCLOSURE. Before a patient's first visit following the effective date of
2 this order and while Respondent is on probation, Respondent must provide all patients, or
3 patient's guardian or health care surrogate, with a separate disclosure that includes Respondent's
4 probation status, the length of the probation, the probation end date, all practice restrictions
5 placed on Respondent by the Board, the Board's telephone number, and an explanation of how
6 the patient can find further information on Respondent's probation on Respondent's profile page
7 on the Board's website. Respondent shall obtain from the patient, or the patient's guardian or
8 health care surrogate, a separate, signed copy of that disclosure. Respondent shall not be required
9 to provide a disclosure if any of the following applies: (1) The patient is unconscious or otherwise
10 unable to comprehend the disclosure and sign the copy of the disclosure and a guardian or health
11 care surrogate is unavailable to comprehend the disclosure and sign the copy; (2) The visit occurs
12 in an emergency room or an urgent care facility or the visit is unscheduled, including
13 consultations in inpatient facilities; (3) Respondent is not known to the patient until immediately
14 prior to the start of the visit; (4) Respondent does not have a direct treatment relationship with the
15 patient.

16 8. CLINICAL DIAGNOSTIC EVALUATIONS AND REPORTS: Over the course of
17 probation, and on whatever periodic basis thereafter as may be required by the Board or its
18 designee, Respondent shall undergo and complete a clinical diagnostic evaluation, including any
19 and all testing deemed necessary, by a Board-appointed board certified physician and surgeon.
20 The examiner shall consider any information provided by the Board or its designee and any other
21 information he or she deems relevant, and shall furnish a written evaluation report to the Board or
22 its designee.

23 The Clinical Diagnostic Evaluation shall be conducted by a licensed physician and surgeon
24 who holds a valid, unrestricted license, has three (3) years' experience in providing evaluations of
25 physicians and surgeons with substance abuse disorders, and is approved by the Board or its
26 designee. The Clinical Diagnostic Evaluation shall be conducted in accordance with acceptable
27 professional standards for conducting substance abuse clinical diagnostic evaluations. The
28 evaluator shall not have a current or former financial, personal, or business relationship with

1 Respondent within the last five (5) years. The evaluator shall provide an objective, unbiased, and
2 independent evaluation. The Clinical Diagnostic Evaluation report shall set forth, in the
3 evaluator's opinion, whether Respondent has a substance abuse problem, whether Respondent is a
4 threat to himself or herself or others, and recommendations for substance abuse treatment,
5 practice restrictions, or other recommendations related to Respondent's rehabilitation and ability
6 to practice safely. If the evaluator determines during the evaluation process that Respondent is a
7 threat to himself or herself or others, the evaluator shall notify the Board within twenty-four (24)
8 hours of such a determination.

9 In formulating his or her opinion as to whether Respondent is safe to return to either part-
10 time or full-time practice and what restrictions or recommendations should be imposed, including
11 participation in an inpatient or outpatient treatment program, the evaluator shall consider the
12 following factors: Respondent's license type; Respondent's history; Respondent's documented
13 length of sobriety (i.e., length of time that has elapsed since Respondent's last substance use);
14 Respondent's scope and pattern of substance abuse; Respondent's treatment history, medical
15 history and current medical condition; the nature, duration and severity of Respondent's
16 substance abuse problem or problems; and whether Respondent is a threat to himself or herself or
17 the public.

18 For all Clinical Diagnostic Evaluations, a final written report shall be provided to the Board
19 no later than ten (10) days from the date the evaluator is assigned the matter. If the evaluator
20 requests additional information or time to complete the evaluation and report, an extension may
21 be granted, but shall not exceed thirty (30) days from the date the evaluator was originally
22 assigned the matter.

23 The Board shall review the Clinical Diagnostic Evaluation report within five (5) business
24 days of receipt to determine whether Respondent is safe to return to either part-time or full-time
25 practice and what restrictions or recommendations shall be imposed on Respondent based on the
26 recommendations made by the evaluator. Respondent shall not be returned to practice until he or
27 she has at least thirty (30) days of negative biological fluid tests or biological fluid tests indicating
28 that he or she has not used, consumed, ingested, or administered to himself or herself a prohibited

1 substance, as defined in section 1361.51, subdivision (e), of Title 16 of the California Code of
2 Regulations.

3 Clinical Diagnostic Evaluations conducted prior to the effective date of this Decision shall
4 not be accepted towards the fulfillment of this requirement. The cost of the Clinical Diagnostic
5 Evaluation, including any and all testing deemed necessary by the examiner, the Board or its
6 designee, shall be borne by the licensee.

7 If a Clinical Diagnostic Evaluation is ordered, Respondent shall not engage in the practice
8 of medicine until notified by the Board or its designee that he is fit to practice medicine safely.
9 The period of time that Respondent is not practicing medicine shall not be counted toward
10 completion of the term of probation. Respondent shall undergo biological fluid testing as
11 required in this Decision at least two (2) times per week while awaiting the notification from the
12 Board if he or she is fit to practice medicine safely.

13 Respondent shall comply with all restrictions or conditions recommended by the examiner
14 conducting the Clinical Diagnostic Evaluation within fifteen (15) calendar days after being
15 notified by the Board or its designee.

16 9. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)
17 days of the effective date of this Decision, Respondent shall provide to the Board the names,
18 physical addresses, mailing addresses, and telephone numbers of any and all employers and
19 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's
20 worksite monitor, and Respondent's employers and supervisors to communicate regarding
21 Respondent's work status, performance, and monitoring.

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

25 10. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
26 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
27 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
28 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall

1 make daily contact with the Board or its designee to determine whether biological fluid testing is
2 required. Respondent shall be tested on the date of the notification as directed by the Board or its
3 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at
4 any time, including weekends and holidays. Except when testing on a specific date as ordered by
5 the Board or its designee, the scheduling of biological fluid testing shall be done on a random
6 basis. The cost of biological fluid testing shall be borne by the Respondent.

7 For the first six (6) months following the effective dates of this Decision, Respondent shall
8 be subject to the first-year testing schedule of 52 to 104 random tests. During the second year of
9 probation and for the duration of the probationary term, up to five (5) years, Respondent shall be
10 subject to 36 to 104 random tests per year. Only if there has been no positive biological fluid
11 tests in the previous five (5) consecutive years of probation, may testing be reduced to one (1)
12 time per month. Nothing precludes the Board from increasing the number of random tests to the
13 first-year level of frequency for any reason.

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

- 17 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry
18 Association or have completed the training required to serve as a collector for the United
19 States Department of Transportation.
- 20 (b) Its specimen collectors conform to the current United States Department of
21 Transportation Specimen Collection Guidelines.
- 22 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published
23 by the United States Department of Transportation without regard to the type of test
24 administered.
- 25 (d) Its specimen collectors observe the collection of testing specimens.
- 26 (e) Its laboratories are certified and accredited by the United States Department of Health
27 and Human Services.
- 28 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day

1 of receipt and all specimens collected shall be handled pursuant to chain of custody
2 procedures. The laboratory shall process and analyze the specimens and provide legally
3 defensible test results to the Board within seven (7) business days of receipt of the
4 specimen. The Board will be notified of non-negative results within one (1) business day
5 and will be notified of negative test results within seven (7) business days.

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

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

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

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

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

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

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

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

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

28 A copy of any laboratory test result may be received in evidence in any proceedings

1 between the Board and Respondent.

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

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

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

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

17 For purposes of this condition, the term "prohibited substance" means an illegal drug, a
18 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by
19 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been
20 instructed by the Board not to use, consume, ingest, or administer to himself or herself.

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

26 11. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days of
27 the effective date of this Decision, Respondent shall submit to the Board or its designee, for its
28 prior approval, the name of a substance abuse support group which he or she shall attend for the

1 duration of probation. Respondent shall attend substance abuse support group meetings at least
2 once per week, or as ordered by the Board or its designee. Respondent shall pay all substance
3 abuse support group meeting costs.

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

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

16 12. WORKSITE MONITOR. Within thirty (30) calendar days of the effective date of
17 this Decision, Respondent shall submit to the Board or its designee for prior approval as a
18 worksite monitor, the name and qualifications of one or more licensed physician and surgeon,
19 other licensed health care professional if no physician and surgeon is available, or, as approved by
20 the Board or its designee, a person in a position of authority who is capable of monitoring the
21 Respondent at work.

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

28 The worksite monitor shall have an active unrestricted license with no disciplinary action

1 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms
2 and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth
3 by the Board or its designee.

4 Respondent shall pay all worksite monitoring costs.

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

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

16 The worksite monitor shall complete and submit a written report monthly or as directed by
17 the Board or its designee which shall include the following: (1) Respondent's name and
18 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)
19 the worksite monitor's license number, if applicable; (4) the location or location(s) of the
20 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the
21 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;
22 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can
23 lead to suspected substance abuse by Respondent. Respondent shall complete any required
24 consent forms and execute agreements with the approved worksite monitor and the Board, or its
25 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

26 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)
27 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior
28 approval, the name and qualifications of a replacement monitor who will be assuming that

1 responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a
2 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the
3 monitor, Respondent shall receive a notification from the Board or its designee to cease the
4 practice of medicine within three (3) calendar days after being so notified. Respondent shall
5 cease the practice of medicine until a replacement monitor is approved and assumes monitoring
6 responsibility.

7 13. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING
8 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of
9 probation.

10 A. If Respondent commits a major violation of probation as defined by section
11 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
12 one or more of the following actions:

13 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical
14 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
15 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice
16 order issued by the Board or its designee shall state that Respondent must test negative for at least
17 a month of continuous biological fluid testing before being allowed to resume practice. For
18 purposes of determining the length of time a Respondent must test negative while undergoing
19 continuous biological fluid testing following issuance of a cease-practice order, a month is
20 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until
21 notified in writing by the Board or its designee that he or she may do so.

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

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

25 B. If Respondent commits a minor violation of probation as defined by section
26 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
27 one or more of the following actions:

28 (1) Issue a cease-practice order;

- 1 (2) Order practice limitations;
- 2 (3) Order or increase supervision of Respondent;
- 3 (4) Order increased documentation;
- 4 (5) Issue a citation and fine, or a warning letter;
- 5 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in
- 6 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of
- 7 Regulations, at Respondent's expense;
- 8 (7) Take any other action as determined by the Board or its designee.

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

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

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

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

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

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

9 18. GENERAL PROBATION REQUIREMENTS.

10 Compliance with Probation Unit

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

12 Address Changes

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

18 Place of Practice

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

22 License Renewal

23 Respondent shall maintain a current and renewed California physician's and surgeon's
24 license.

25 Travel or Residence Outside California

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

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

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

7 20. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
8 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
9 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
10 defined as any period of time Respondent is not practicing medicine as defined in Business and
11 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
12 patient care, clinical activity or teaching, or other activity as approved by the Board. If
13 Respondent resides in California and is considered to be in non-practice, Respondent shall
14 comply with all terms and conditions of probation. All time spent in an intensive training
15 program which has been approved by the Board or its designee shall not be considered non-
16 practice and does not relieve Respondent from complying with all the terms and conditions of
17 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
18 on probation with the medical licensing authority of that state or jurisdiction shall not be
19 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
20 period of non-practice.

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

26 Respondent's period of non-practice while on probation shall not exceed two (2) years.
27 Periods of non-practice will not apply to the reduction of the probationary term. Periods of non-
28 practice for a Respondent residing outside of California will relieve Respondent of the

1 responsibility to comply with the probationary terms and conditions with the exception of this
2 condition and the following terms and conditions of probation: Obey All Laws; General Probation
3 Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or Controlled
4 Substances; and Biological Fluid Testing.

5 21. COMPLETION OF PROBATION. Respondent shall comply with all financial
6 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
7 completion of probation. Upon successful completion of probation, Respondent's certificate shall
8 be fully restored.

9 22. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
10 of probation is a violation of probation. If Respondent violates probation in any respect, the
11 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
12 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,
13 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
14 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
15 the matter is final. Respondent specifically understands and agrees that any further violations of
16 probation will not be tolerated and will result in the revocation of his physician's and surgeon's
17 certificate.

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

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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: 3/5/2021

Respectfully submitted,

XAVIER BECERRA
Attorney General of California



JANE ZACK SIMON
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Petition to Revoke Probation No. 800-2021-074054

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 State Bar No. 116564
455 Golden Gate Avenue, Suite 11000
4 San Francisco, CA 94102-7004
Telephone: (415) 510-3521
5 Facsimile: (415) 703-5480
E-mail: Janezack.simon@doj.ca.gov
6 *Attorneys for Complainant*

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

11 In the Matter of the Petition to Revoke Probation
12 Against:

Case No. 800-2021-074054

13 **JAMES ESTABROOK HUNT, M.D.**
14 1140 Sonoma Ave., Suite 2
Santa Rosa, CA 95405

PETITION TO REVOKE PROBATION

15 Physician's and Surgeon's Certificate No. G 78304
16 Respondent.

18 Complainant alleges:

19 **PARTIES**

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

23 2. On January 26, 1994, the Medical Board of California (Board) issued Physician's and
24 Surgeon's Certificate Number G 78304 to James Estabrook Hunt, M.D. (Respondent). The
25 Physician's and Surgeon's Certificate was in effect at all times relevant to the charges brought
26 herein and will expire on August 31, 2021, unless renewed.

1 3. In a disciplinary action entitled "In the Matter of Accusation Against James
2 Estabrook Hunt, M.D.," Case No. 800-2015-019429, the Board issued a decision, effective May
3 10, 2019, in which Respondent's Physician's and Surgeon's Certificate was revoked, stayed,
4 subject to a five year term of probation. Terms and conditions of probation require Respondent to
5 abstain from the use of controlled substances and dangerous drugs, and to submit to biological
6 fluid testing. The 2019 disciplinary order was based on a criminal conviction for driving under
7 the influence of alcohol, and Respondent's conduct in obtaining and self-administering controlled
8 substances acquired illicitly, without a prescription, driving under the influence of those
9 substances, and his shifting version of events pertaining to his acquisition of the drugs in
10 question. A copy of the 2019 Decision is attached as Exhibit A.

11 JURISDICTION

12 4. This Petition to Revoke Probation is brought before the Medical Board of California
13 under the authority of the following laws. All section references are to the Business and
14 Professions Code unless otherwise indicated.

15 5 Section 2004 provides that the Board shall have the responsibility for the enforcement
16 of the disciplinary and criminal provisions of the Medical Practice Act.

17 6. Section 2227 provides that a licensee who is found guilty under the Medical Practice
18 Act may have his or her license revoked, suspended for a period not to exceed one year, placed on
19 probation and required to pay the costs of probation monitoring, or such other action taken in
20 relation to discipline as the Board deems proper.

21 7. Section 2228 states:

22 The authority of the board or the California Board of Podiatric Medicine to discipline
23 a licensee by placing him or her on probation includes, but is not limited to, the
following:

24 (a) Requiring the licensee to obtain additional professional training and to pass an
25 examination upon the completion of the training. The examination may be written or
oral, or both, and may be a practical or clinical examination, or both, at the option of
26 the board or the administrative law judge.

27 (b) Requiring the licensee to submit to a complete diagnostic examination by one or
more physicians and surgeons appointed by the board. If an examination is ordered,
28 the board shall receive and consider any other report of a complete diagnostic
examination given by one or more physicians and surgeons of the licensee's choice.

1 (c) Restricting or limiting the extent, scope, or type of practice of the licensee,
2 including requiring notice to applicable patients that the licensee is unable to perform
3 the indicated treatment, where appropriate.

4 (d) Providing the option of alternative community service in cases other than
5 violations relating to quality of care.

6 8. Code of Regulations, title 16, section 1361.52, states:

7 (a) A licensee who does any of the following shall be deemed to have committed a
8 major violation of his or her probation:

9 (6) Uses, consumes, ingests, or administers to himself or herself a prohibited
10 substance

11 (b) If a licensee commits a major violation, the Board will take one or more of the
12 following actions:

13 (1) Issue an immediate cease-practice order and order the licensee to undergo a
14 clinical diagnostic evaluation at the expense of the licensee. Any order issued by the
15 Board pursuant to this subsection shall state that the licensee must test negative for
16 at least a month of continuous biological fluid testing before being allowed to
17 resume practice.

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

19 (3) Refer the licensee for further disciplinary action, such as suspension, revocation,
20 or other action as determined by the Board.

21 (e) Nothing in this section shall be considered a limitation on the Board's authority to
22 revoke the probation of a licensee who has violated a term or condition of that
23 probation.

24 **CAUSE TO REVOKE PROBATION**

25 9. At all times after the effective date of Respondent's 2019 probation, Condition 1
26 required him to abstain completely from the personal use or possession of all controlled
27 substances and dangerous drugs not legitimately prescribed to him.

28 Condition 9 provided that Respondent would undergo biological fluid testing.

Condition 15 required Respondent to obey all laws, and Condition 21 provided that
the failure to comply with any condition of probation shall constitute a probation violation.

10. Respondent's probation is subject to revocation because he failed to comply with
Probation Conditions 1 and 15.

1 11. The facts and circumstances regarding Respondent's violation of probation are as
2 follows:

3 A. Prior to the effective date of his probation, on April 10, 2019, Respondent was
4 notified that he needed to enroll in and participate in FirstSource Solutions for biological fluid
5 testing, and that he was to check the FirstSource system daily to determine if he was selected to
6 provide a biological fluid sample. On April 23, 2019, Respondent met with his assigned Medical
7 Board Probation monitor and went over each and every term and condition of his probation.

8 B. On November 18, 2020, Respondent was selected to provide a biological fluid
9 sample.

10 C. On November 21, 2020, the Board received the laboratory results from Respondent's
11 November 18, 2020 urinalysis, which indicated a positive result of 382 ng.mL of methaqualone.¹
12 Respondent was asked to provide an explanation for the positive result.

13 D. Respondent advised the Board's Probation unit that he had no explanation for the test
14 result, and stated, "I did not take this drug."²

15 E. The matter was then submitted to the FirstSource Medical Review Officer (MRO).
16 The MRO was skeptical about the test result, as methaqualone was removed from the United
17 States market many years ago and is very rarely seen in test results. The MRO recommended
18 confirmation of the test through a retest of the split sample, and requested a list of all substances
19 Respondent had taken. The MRO reviewed the list of substances Respondent acknowledged
20 taking, and concluded they did not account for the positive test. The split sample was submitted
21 for analysis.

22 F. A December 18, 2020 laboratory report of the retest of the split sample was positive
23 for methaqualone.

24
25
26 ¹ Methaqualone is a sedative and hypnotic medication commonly known as Quaalude.
27 Methaqualone was a much-abused party drug which was banned in the United States in the mid-
28 from other countries.

² At the time of his arrest for driving under the influence in December 2015, Respondent's
blood test was also positive for methaqualone. He denied taking methaqualone then as well.

Exhibit A

Decision and Order

Medical Board of California Case No. 800-2021-074054

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

In the Matter of the Accusation Against:)

JAMES ESTABROOK HUNT, M.D.)

Case No. 800-2015-019429

Physician's and Surgeon's)
Certificate No. G 78304)

Respondent)


DECISION AND ORDER

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 May 10, 2019.

IT IS SO ORDERED: April 10, 2019.

MEDICAL BOARD OF CALIFORNIA


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

MEDICAL BOARD OF CALIFORNIA
I do hereby certify that this document is a true
and correct copy of the original on file in this
office.

S. Woods
Signature
For Custodian of Records
Title

1/4/2021
Date

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 State Bar No. 116564
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
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6 Attorneys for Complainant

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

11
12 In the Matter of the Accusation Against:

Case No. 800-2015-019429

13 **JAMES ESTABROOK HUNT, M.D.**
14 85 Brookwood Avenue Suite 10
Santa Rosa, CA 95404-4512

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Physician's and Surgeon's Certificate No.
16 G78304

17 Respondent.

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

20 PARTIES

21 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
22 of California (Board). She brought this action solely in her official capacity and is represented in
23 this matter by Xavier Becerra, Attorney General of the State of California, by Jane Zack Simon,
24 Supervising Deputy Attorney General.

25 2. Respondent James Estabrook Hunt, M.D. (Respondent) is represented in this
26 proceeding by Shannon V. Baker of Rothschild Wishek & Sands LLP, 765 University Avenue,
27 Sacramento, CA 95825.
28

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

4 RESERVATION

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

9 CONTINGENCY.

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

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

23 13. Respondent agrees that if he ever petitions for early termination or modification of
24 probation, or if the Board ever petitions for revocation of probation, all of the charges and
25 allegations contained in Accusation No. 800-2015-019429 shall be deemed true, correct and fully
26 admitted by Respondent for purposes of that proceeding or any other licensing proceeding
27 involving Respondent in the State of California.

1 14. In consideration of the foregoing admissions and stipulations, the parties agree that
2 the Board may, without further notice or formal proceeding, issue and enter the following
3 Disciplinary Order:

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G78304 issued
6 to Respondent James Estabrook Hunt, M.D. is revoked. However, the revocation is stayed and
7 Respondent is placed on probation for five (5) years on the following terms and conditions.

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

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

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

20 3. **PROFESSIONALISM PROGRAM (ETHICS COURSE).** Within 60 calendar days of
21 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
22 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
23 Respondent shall participate in and successfully complete that program. Respondent shall
24 provide any information and documents that the program may deem pertinent. Respondent shall
25 successfully complete the classroom component of the program not later than six (6) months after
26 Respondent's initial enrollment, and the longitudinal component of the program not later than the
27 time specified by the program, but no later than one (1) year after attending the classroom

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1 component. The professionalism program shall be at Respondent's expense and shall be in
2 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

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

11 4. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this
12 Decision, Respondent shall submit to the Board or its designee for prior approval the name and
13 qualifications of a California-licensed board certified psychiatrist. Upon approval, Respondent
14 shall undergo and continue treatment with the psychiatrist, and shall follow treatment
15 recommendations, including any modifications to the frequency of psychotherapy, until the Board
16 or its designee deems that no further psychotherapy is necessary. Respondent's treating
17 psychiatrist shall prescribe any and all psychotropic medication required by Respondent over the
18 course of probation, and shall coordinate care with other medical providers, including other
19 mental health providers who provide treatment to Respondent.

20 The psychotherapist shall consider any information provided by the Board or its designee
21 and any other information the psychotherapist deems relevant and shall furnish a written
22 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
23 psychotherapist with any information and documents that the psychotherapist may deem
24 pertinent.

25 Respondent shall have the treating psychotherapist submit quarterly status reports to the
26 Board or its designee. If, prior to the completion of probation, Respondent is found to be
27 mentally unfit to practice medicine without restrictions, the Board shall retain continuing
28 jurisdiction over Respondent's license and the period of probation shall be extended until the

1 Board determines that Respondent is mentally fit to practice medicine without restrictions.

2 Respondent shall pay the cost of all psychotherapy.

3 5. MEDICAL TREATMENT. Within 30 calendar days of the effective date of
4 this Decision, Respondent shall submit to the Board or its designee for prior approval the name
5 and qualifications of a California-licensed physician who shall serve as Respondent's primary
6 care physician. The primary care physician shall oversee and coordinate Respondent's medical
7 care, including prescribing necessary medications, and Respondent shall follow treatment
8 recommendations. Respondent shall have the treating physician submit quarterly reports to the
9 Board or its designee indicating whether or not Respondent is medically capable of practicing
10 medicine safely. Respondent shall pay the cost of any medical treatment.

11 6. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the
12 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice
13 where: 1) Respondent merely shares office space with another physician but is not affiliated for
14 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that
15 location. If Respondent fails to establish a practice with another physician or secure employment
16 in an appropriate practice setting within 60 calendar days of the effective date of this Decision,
17 Respondent shall receive a notification from the Board or its designee to cease the practice of
18 medicine within three (3) calendar days after being so notified. The Respondent shall not resume
19 practice until an appropriate practice setting is established.

20 If, during the course of the probation, the Respondent's practice setting changes and the
21 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent
22 shall notify the Board or its designee within five (5) calendar days of the practice setting change.
23 If Respondent fails to establish a practice with another physician or secure employment in an
24 appropriate practice setting within 60 calendar days of the practice setting change, Respondent
25 shall receive a notification from the Board or its designee to cease the practice of medicine within
26 three (3) calendar days after being so notified. The Respondent shall not resume practice until an
27 appropriate practice setting is established.

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1 7. CLINICAL DIAGNOSTIC EVALUATIONS AND REPORTS: Within thirty (30)
2 calendar days of the effective date of this Decision, and on whatever periodic basis thereafter as
3 may be required by the Board or its designee, Respondent shall undergo and complete a clinical
4 diagnostic evaluation, including any and all testing deemed necessary, by a Board-appointed
5 board certified physician and surgeon. The examiner shall consider any information provided by
6 the Board or its designee and any other information he or she deems relevant, and shall furnish a
7 written evaluation report to the Board or its designee.

8 The Clinical Diagnostic Evaluation shall be conducted by a licensed physician and surgeon
9 who holds a valid, unrestricted license, has three (3) years' experience in providing evaluations of
10 physicians and surgeons with substance abuse disorders, and is approved by the Board or its
11 designee. The Clinical Diagnostic Evaluation shall be conducted in accordance with acceptable
12 professional standards for conducting substance abuse clinical diagnostic evaluations. The
13 evaluator shall not have a current or former financial, personal, or business relationship with
14 Respondent within the last five (5) years. The evaluator shall provide an objective, unbiased, and
15 independent evaluation. The Clinical Diagnostic Evaluation report shall set forth, in the
16 evaluator's opinion, whether Respondent has a substance abuse problem, whether Respondent is a
17 threat to himself or herself or others, and recommendations for substance abuse treatment,
18 practice restrictions, or other recommendations related to Respondent's rehabilitation and ability
19 to practice safely. If the evaluator determines during the evaluation process that Respondent is a
20 threat to himself or herself or others, the evaluator shall notify the Board within twenty-four (24)
21 hours of such a determination.

22 In formulating his or her opinion as to whether Respondent is safe to return to either part-
23 time or full-time practice and what restrictions or recommendations should be imposed, including
24 participation in an inpatient or outpatient treatment program, the evaluator shall consider the
25 following factors: Respondent's license type; Respondent's history; Respondent's documented
26 length of sobriety (i.e., length of time that has elapsed since Respondent's last substance use);
27 Respondent's scope and pattern of substance abuse; Respondent's treatment history, medical
28 history and current medical condition; the nature, duration and severity of Respondent's

1 substance abuse problem or problems; and whether Respondent is a threat to himself or herself or
2 the public.

3 For all Clinical Diagnostic Evaluations, a final written report shall be provided to the Board
4 no later than ten (10) days from the date the evaluator is assigned the matter. If the evaluator
5 requests additional information or time to complete the evaluation and report, an extension may
6 be granted, but shall not exceed thirty (30) days from the date the evaluator was originally
7 assigned the matter.

8 The Board shall review the Clinical Diagnostic Evaluation report within five (5) business
9 days of receipt to determine whether Respondent is safe to return to either part-time or full-time
10 practice and what restrictions or recommendations shall be imposed on Respondent based on the
11 recommendations made by the evaluator. Respondent shall not be returned to practice until he or
12 she has at least thirty (30) days of negative biological fluid tests or biological fluid tests indicating
13 that he or she has not used, consumed, ingested, or administered to himself or herself a prohibited
14 substance, as defined in section 1361.51, subdivision (e), of Title 16 of the California Code of
15 Regulations.

16 Clinical Diagnostic Evaluations conducted prior to the effective date of this Decision shall
17 not be accepted towards the fulfillment of this requirement. The cost of the Clinical Diagnostic
18 Evaluation, including any and all testing deemed necessary by the examiner, the Board or its
19 designee, shall be borne by the licensee.

20 Respondent shall not engage in the practice of medicine until notified by the Board or its
21 designee that he or she is fit to practice medicine safely. The period of time that Respondent is
22 not practicing medicine shall not be counted toward completion of the term of probation.
23 Respondent shall undergo biological fluid testing as required in this Decision at least two (2)
24 times per week while awaiting the notification from the Board if he or she is fit to practice
25 medicine safely.

26 Respondent shall comply with all restrictions or conditions recommended by the examiner
27 conducting the Clinical Diagnostic Evaluation within fifteen (15) calendar days after being
28 notified by the Board or its designee.

1 8. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)
2 days of the effective date of this Decision, Respondent shall provide to the Board the names,
3 physical addresses, mailing addresses, and telephone numbers of any and all employers and
4 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's
5 worksite monitor, and Respondent's employers and supervisors to communicate regarding
6 Respondent's work status, performance, and monitoring.

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

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

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

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

- 1 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry
- 2 Association or have completed the training required to serve as a collector for the United
- 3 States Department of Transportation.
- 4 (b) Its specimen collectors conform to the current United States Department of
- 5 Transportation Specimen Collection Guidelines.
- 6 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published
- 7 by the United States Department of Transportation without regard to the type of test
- 8 administered.
- 9 (d) Its specimen collectors observe the collection of testing specimens.
- 10 (e) Its laboratories are certified and accredited by the United States Department of Health
- 11 and Human Services.
- 12 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day
- 13 of receipt and all specimens collected shall be handled pursuant to chain of custody
- 14 procedures. The laboratory shall process and analyze the specimens and provide legally
- 15 defensible test results to the Board within seven (7) business days of receipt of the
- 16 specimen. The Board will be notified of non-negative results within one (1) business day
- 17 and will be notified of negative test results within seven (7) business days.
- 18 (g) Its testing locations possess all the materials, equipment, and technical expertise
- 19 necessary in order to test Respondent on any day of the week.
- 20 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens
- 21 for the detection of alcohol and illegal and controlled substances.
- 22 (i) It maintains testing sites located throughout California.
- 23 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line
- 24 computer database that allows the Respondent to check in daily for testing.
- 25 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff
- 26 access to drug test results and compliance reporting information that is available 24 hours a
- 27 day.
- 28 (l) It employs or contracts with toxicologists that are licensed physicians and have

1 knowledge of substance abuse disorders and the appropriate medical training to interpret
2 and evaluate laboratory biological fluid test results, medical histories, and any other
3 information relevant to biomedical information.

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

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

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

12 A certified copy of any laboratory test result may be received in evidence in any
13 proceedings between the Board and Respondent.

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

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

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

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

1 For purposes of this condition, the term "prohibited substance" means an illegal drug, a
2 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by
3 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been
4 instructed by the Board not to use, consume, ingest, or administer to himself or herself.

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

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

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

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

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1 11. WORKSITE MONITOR. Within thirty (30) calendar days of the effective date of
2 this Decision, Respondent shall submit to the Board or its designee for prior approval as a
3 worksite monitor, the name and qualifications of one or more licensed physician and surgeon,
4 other licensed health care professional if no physician and surgeon is available, or, as approved by
5 the Board or its designee, a person in a position of authority who is capable of monitoring the
6 Respondent at work.

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

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

17 Respondent shall pay all worksite monitoring costs.

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

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

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

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

20 12. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING
21 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of
22 probation.

23 A. If Respondent commits a major violation of probation as defined by section
24 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
25 one or more of the following actions:

26 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical
27 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
28 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice

1 order issued by the Board or its designee shall state that Respondent must test negative for at least
2 a month of continuous biological fluid testing before being allowed to resume practice. For
3 purposes of determining the length of time a Respondent must test negative while undergoing
4 continuous biological fluid testing following issuance of a cease-practice order, a month is
5 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until
6 notified in writing by the Board or its designee that he or she may do so.

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

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

10 B. If Respondent commits a minor violation of probation as defined by section
11 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
12 one or more of the following actions:

13 (1) Issue a cease-practice order;

14 (2) Order practice limitations;

15 (3) Order or increase supervision of Respondent;

16 (4) Order increased documentation;

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

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

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

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

1 13. 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 14. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
11 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
12 advanced practice nurses.

13 15. 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 16. 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 17. 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(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 18. 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 19. 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's 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. Periods of non-
13 practice for a Respondent residing outside of California will relieve Respondent of the
14 responsibility to comply with the probationary terms and conditions with the exception of this
15 condition and the following terms and conditions of probation: Obey All Laws; General Probation
16 Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or Controlled
17 Substances; and Biological Fluid Testing.

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

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

22. LICENSE SURRENDER. Following the effective date of this Decision, if

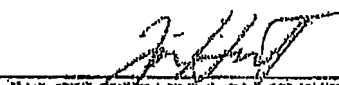
Respondent ceases practicing (due to retirement or health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request to surrender his or her license. The Board reserves the right to evaluate Respondent's request and to exercise its discretion in determining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

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

ACCEPTANCE


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

DATED: 3/21/19



JAMES ESTABROOK HUNT, M.D.
Respondent

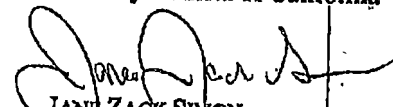
1 I have read and fully discussed with Respondent James Estabrook Hunt, M.D. the terms
2 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
3 Order. I approve its form and content.

4 DATED: 3/14/19 
5 SHANNON V. BAKER
6 Rothschild Wishek & Sands LLP
7 Attorney for Respondent

ENDORSEMENT

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

10 Dated: 3/18/19

Respectfully submitted,
11 XAVIER BECERRA
12 Attorney General of California
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14 JANE ZACK SIMON
15 Supervising Deputy Attorney General
16 Attorneys for Complainant

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EXHIBIT A

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 State Bar No. 116564
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
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E-mail: Janezack.simon@doj.ca.gov
6 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO *December 10 20 18*
BY *K. Denny* ANALYST

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

11 In the Matter of the Accusation Against:

Case No. 800-2015-019429

12 **James Estabrook Hunt, M.D.**
13 85 Brookwood Ave., Ste. 10
14 Santa Rosa, CA 95404-4512

ACCUSATION

15 Physician's and Surgeon's Certificate
16 No. G 78304,

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

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

23 2. On January 26, 1994, the Medical Board issued Physician's and Surgeon's Certificate
24 Number G 78304 to James Estabrook Hunt, M.D. (Respondent). The Physician's and Surgeon's
25 Certificate was in full force and effect at all times relevant to the charges brought herein and will
26 expire on August 31, 2019, 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 unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

5. Section 2234 of the Code requires the Board to take action against any licensee who is charged with unprofessional conduct, defined to include "[v]iolating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter."

6. Section 2236 of the Code provides that the conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct

7. Section 2239(a) of the Code provides that the use or prescribing for or administering to himself or herself, of any controlled substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely or more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section, or any combination thereof, constitutes unprofessional conduct. The record of the conviction is conclusive evidence of such unprofessional conduct.

FIRST CAUSE FOR DISCIPLINE
**(Unprofessional Conduct: Criminal Convictions/Excessive
or Dangerous Use of Alcohol)**

8. Respondent is subject to disciplinary action under sections 2234, and/or 2236, and/or 2239 in that Respondent engaged in unprofessional conduct, was convicted of a crime, and consumed controlled substances and/or dangerous drugs that were not prescribed to him.

1 9. On December 18, 2015, shortly before 8 a.m., the California Highway Patrol
2 responded to a report of a traffic collision in which one driver reported the other driver appeared
3 to be intoxicated. Officers determined that Respondent was the driver of a vehicle which rear
4 ended another vehicle. Officers noted signs of intoxication such as unsteadiness and bloodshot
5 and watery eyes, but no odor of alcohol was detected. Asked if he had consumed any medication,
6 Respondent stated he was on anti-depressants, but had not taken them in three days. Respondent
7 performed poorly on most of the field sobriety tests. No alcohol was detected in a preliminary
8 alcohol screening test. A certified drug recognition Officer evaluated Respondent, noted extreme
9 lethargy, unsteadiness, droopy eye lids, a slack jaw and slow, slurred speech, and concluded
10 Respondent appeared to be under the influence of a central nervous system depressant. A blood
11 test was positive for phenobarbital and benzodiazepines, both controlled substances and both
12 central nervous system depressants. Respondent was arrested and criminal charges were filed.

13 10. Respondent did not have a prescription for phenobarbital or a benzodiazepine at the
14 time of his arrest. However, later in the day on December 18, 2015, Respondent telephoned a
15 nurse practitioner who worked under his supervision at both a methadone clinic and Respondent's
16 solo practice, and obtained prescriptions for phenobarbital and the benzodiazepine Valium. The
17 following day, Respondent obtained prescriptions for phenobarbital and Valium from his primary
18 care physician.

19 11. Respondent has provided different accounts of how he obtained the phenobarbital and
20 benzodiazepine. He told the nurse practitioner and the Medical Board's investigator he obtained
21 the controlled substances from his father-in-law. He told his primary care physician and
22 personnel at the Pacific Assistance Group professional monitoring group¹ that he took the
23 phenobarbital and benzodiazepine from the methadone clinic where he worked part time.

24 12. Respondent was charged on December 12, 2016 in Sonoma County Superior Court
25 with a misdemeanor violation of Vehicle Code section 23152(e), driving under the influence of a
26 drug. On May 24, 2018, a plea bargain agreement was reached under which Respondent pled no
27

28 ¹ Respondent entered into a five year Monitoring Agreement with Pacific Assistance
Group on June 9, 2013. He completed the program on June 9, 2018.

1 contest to and was convicted of a violation of Vehicle Code section 23152(a), driving under the
2 influence of alcohol.

3 13. Respondent's criminal conviction for driving under the influence is substantially
4 related to the qualifications, functions and duties of a physician and surgeon, and constitutes
5 cause for discipline pursuant to Business and Professions Code sections 2236.


6 14. Respondent's conduct in obtaining and self administering controlled substances
7 acquired illicitly, without a prescription, driving under the influence of those substances, and his
8 shifting version of events pertaining to his acquisition of the drugs, constitute unprofessional
9 conduct, and/or the use of or administering to himself of controlled substances, and/or use of
10 controlled substances in a dangerous manner, and constitute cause for discipline for
11 unprofessional conduct pursuant to sections 2234 and/or 2239 of the Code.

12 PRAYER

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

- 15 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 78304,
16 issued to James Estabrook Hunt, M.D.;
- 17 2. Revoking, suspending or denying approval of James Estabrook Hunt, M.D.'s
18 authority to supervise physician assistants and advanced practice nurses;
- 19 3. Ordering James Estabrook Hunt, M.D., if placed on probation, to pay the Board the
20 costs of probation monitoring; and
- 21 4. Taking such other and further action as deemed necessary and proper.

22
23 DATED: December 10, 2018


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

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