

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

In the Matter of the Accusation  
Against:

Peter Barmon Brett, M.D.

Case No. 800-2019-055396

Physician's and Surgeon's  
Certificate No. G 59321

Respondent.

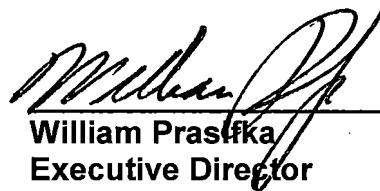
DECISION

The attached Stipulated Surrender of License and 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 June 15, 2021.

IT IS SO ORDERED June 8, 2021.

MEDICAL BOARD OF CALIFORNIA



\_\_\_\_\_  
William Prastka  
Executive Director

1 MATTHEW RODRIQUEZ  
Acting Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 LYNNE K. DOMBROWSKI  
Deputy Attorney General  
4 State Bar No. 128080  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 510-3439  
6 Facsimile: (415) 703-5480  
E-mail: Lynne.Dombrowski@doj.ca.gov  
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:  
13 **PETER BARMON BRETT, M.D.**  
14 **P.O. Box 10001, PMB 494**  
**Saipan MP 96950**  
15 **Physician's and Surgeon's Certificate**  
**No. G 59321**

Case No. 800-2019-055396  
OAH No. 2020120883

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

16 Respondent.  
17  
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 brings this action solely in his official capacity and is represented in this  
24 matter by Matthew Rodriquez, Attorney General of the State of California, by Lynne K.  
25 Dombrowski, Deputy Attorney General.

26 2. Peter Barmon Brett, M.D. (Respondent) is represented in this proceeding by attorney  
27 Kevin P. Kelly, whose address is: Mr. Kevin P. Kelly, The Goldman Law Firm, Merchant Bank  
28 Building, 55 Main Street, Tiburon, CA 94920, Email: KKELLY@GOLDMANLAWFIRM.NET.





**ORDER**

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 59321, issued to Respondent PETER BARMON BRETT, M.D., is surrendered and accepted by the Board.

1. Respondent shall lose all rights and privileges as a physician and surgeon in California as of the effective date of the Board's Decision and Order.
2. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.
3. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2019-055396 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.
4. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 800-2019-055396 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

**ACCEPTANCE**

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney Mr. Kevin P. Kelly. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: \_\_\_\_\_

4/23/21

  
\_\_\_\_\_  
PETER BARMON BRETT, M.D.  
*Respondent*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I have read and fully discussed with Respondent PETER BARMON BRETT, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 4/23/2021

  
\_\_\_\_\_  
KEVIN P. KELLY  
The Goldman Law Firm  
*Attorney for Respondent*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28


**ENDORSEMENT**

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

DATED: 04/23/2021

Respectfully submitted,

MATTHEW RODRIQUEZ  
Acting Attorney General of California  
JANE ZACK SIMON  
Supervising Deputy Attorney General



LYNNE K. DOMBROWSKI  
Deputy Attorney General  
*Attorneys for Complainant*

SF2020200435

**Exhibit A**

**Accusation No. 800-2019-055396**



1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 LYNNE K. DOMBROWSKI  
Deputy Attorney General  
4 State Bar No. 128080  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 510-3439  
6 Facsimile: (415) 703-5480  
E-mail: Lynne.Dombrowski@doj.ca.gov  
7 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:	Case No. 800-2019-055396
14 <b>Peter Barmon Brett, M.D.</b> P.O. Box 10001, PMB 494 Saipan MP 96950	<b>ACCUSATION</b>
15 Physician's and Surgeon's Certificate 16 No. G 59321, 17 Respondent.	

18  
19 **PARTIES**

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

23 2. On or about December 22, 1986, the Medical Board issued Physician's and Surgeon's  
24 Certificate Number G 59321 to Peter Barmon Brett, M.D. (Respondent). The Physician's and  
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
26 herein and will expire on May 31, 2022, unless renewed.

27 ///  
28 ///

1 JURISDICTION

2 3. This Accusation is brought before the Board, under the authority of the following  
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
4 indicated.

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

9 5. Section 2234 of the Code, states:

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

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

(b) Gross negligence.

15 (c) Repeated negligent acts. To be repeated, there must be two or more  
16 negligent acts or omissions. An initial negligent act or omission followed by a  
17 separate and distinct departure from the applicable standard of care shall constitute  
18 repeated negligent acts.

(1) An initial negligent diagnosis followed by an act or omission medically  
19 appropriate for that negligent diagnosis of the patient shall constitute a single  
20 negligent act.

(2) When the standard of care requires a change in the diagnosis, act, or  
21 omission that constitutes the negligent act described in paragraph (1), including, but  
22 not limited to, a reevaluation of the diagnosis or a change in treatment, and the  
23 licensee's conduct departs from the applicable standard of care, each departure  
24 constitutes a separate and distinct breach of the standard of care.

(d) Incompetence.

(e) The commission of any act involving dishonesty or corruption that is  
25 substantially related to the qualifications, functions, or duties of a physician and  
26 surgeon.

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

(g) The repeated failure by a certificate holder, in the absence of good cause, to  
27 attend and participate in an interview by the board. This subdivision shall only apply  
28 to a certificate holder who is the subject of an investigation by the board.

1 6. Section 2220 of the Code states:

2 Except as otherwise provided by law, the board may take action against all  
3 persons guilty of violating this chapter. The board shall enforce and administer this  
4 article as to physician and surgeon certificate holders, including those who hold  
5 certificates that do not permit them to practice medicine, such as, but not limited to,  
6 retired, inactive, or disabled status certificate holders, and the board shall have all the  
7 powers granted in this chapter for these purposes including, but not limited to:

8 (a) Investigating complaints from the public, from other licensees, from health  
9 care facilities, or from the board that a physician and surgeon may be guilty of  
10 unprofessional conduct. The board shall investigate the circumstances underlying a  
11 report received pursuant to Section 805 or 805.01 within 30 days to determine if an  
12 interim suspension order or temporary restraining order should be issued. The board  
13 shall otherwise provide timely disposition of the reports received pursuant to Section  
14 805 and Section 805.01.

15 (b) Investigating the circumstances of practice of any physician and surgeon  
16 where there have been any judgments, settlements, or arbitration awards requiring the  
17 physician and surgeon or his or her professional liability insurer to pay an amount in  
18 damages in excess of a cumulative total of thirty thousand dollars (\$30,000) with  
19 respect to any claim that injury or damage was proximately caused by the physician's  
20 and surgeon's error, negligence, or omission.

21 (c) Investigating the nature and causes of injuries from cases which shall be  
22 reported of a high number of judgments, settlements, or arbitration awards against a  
23 physician and surgeon.

24 7. Section 2228 of the Code states:

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

28 (a) Requiring the licensee to obtain additional professional training and to pass  
an 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 the board or the administrative law judge.

(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, 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.

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

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

///

///

1           8.    Section 2242 of the Code states:

2           (a) Prescribing, dispensing, or furnishing dangerous drugs as defined in Section  
3           4022 without an appropriate prior examination and a medical indication, constitutes  
4           unprofessional conduct. An appropriate prior examination does not require a  
5           synchronous interaction between the patient and the licensee and can be achieved  
6           through the use of telehealth, including, but not limited to, a self-screening tool or a  
7           questionnaire, provided that the licensee complies with the appropriate standard of  
8           care.

9           (b) No licensee shall be found to have committed unprofessional conduct within  
10          the meaning of this section if, at the time the drugs were prescribed, dispensed, or  
11          furnished, any of the following applies:

12          (1) The licensee was a designated physician and surgeon or podiatrist serving in  
13          the absence of the patient's physician and surgeon or podiatrist, as the case may be,  
14          and if the drugs were prescribed, dispensed, or furnished only as necessary to  
15          maintain the patient until the return of the patient's practitioner, but in any case no  
16          longer than 72 hours.

17          (2) The licensee transmitted the order for the drugs to a registered nurse or to a  
18          licensed vocational nurse in an inpatient facility, and if both of the following  
19          conditions exist:

20                (A) The practitioner had consulted with the registered nurse or licensed  
21                vocational nurse who had reviewed the patient's records.

22                (B) The practitioner was designated as the practitioner to serve in the absence  
23                of the patient's physician and surgeon or podiatrist, as the case may be.

24          (3) The licensee was a designated practitioner serving in the absence of the  
25          patient's physician and surgeon or podiatrist, as the case may be, and was in  
26          possession of or had utilized the patient's records and ordered the renewal of a  
27          medically indicated prescription for an amount not exceeding the original prescription  
28          in strength or amount or for more than one refill.

              (4) The licensee was acting in accordance with Section 120582 of the Health  
              and Safety Code.

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

10.   Section 726 of the Code states:

(a) The commission of any act of sexual abuse, misconduct, or relations with a  
patient, client, or customer constitutes unprofessional conduct and grounds for  
disciplinary action for any person licensed under this or under any initiative act  
referred to in this division.

(b) This section shall not apply to consensual sexual contact between a licensee  
and his or her spouse or person in an equivalent domestic relationship when that

1 licensee provides medical treatment, other than psychotherapeutic treatment, to his or  
her spouse or person in an equivalent domestic relationship.

2 11. Section 729 of the Code states:

3 (a) Any physician and surgeon, psychotherapist, alcohol and drug abuse  
4 counselor or any person holding himself or herself out to be a physician and surgeon,  
5 psychotherapist, or alcohol and drug abuse counselor, who engages in an act of sexual  
6 intercourse, sodomy, oral copulation, or sexual contact with a patient or client, or  
7 with a former patient or client when the relationship was terminated primarily for the  
8 purpose of engaging in those acts, unless the physician and surgeon, psychotherapist,  
9 or alcohol and drug abuse counselor has referred the patient or client to an  
independent and objective physician and surgeon, psychotherapist, or alcohol and  
drug abuse counselor recommended by a third-party physician and surgeon,  
psychotherapist, or alcohol and drug abuse counselor for treatment, is guilty of sexual  
exploitation by a physician and surgeon, psychotherapist, or alcohol and drug abuse  
counselor.

10 (b) Sexual exploitation by a physician and surgeon, psychotherapist, or alcohol  
and drug abuse counselor is a public offense:

11 (1) An act in violation of subdivision (a) shall be punishable by imprisonment  
12 in a county jail for a period of not more than six months, or a fine not exceeding one  
thousand dollars (\$1,000), or by both that imprisonment and fine.

13 (2) Multiple acts in violation of subdivision (a) with a single victim, when the  
14 offender has no prior conviction for sexual exploitation, shall be punishable by  
imprisonment in a county jail for a period of not more than six months, or a fine not  
15 exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

16 (3) An act or acts in violation of subdivision (a) with two or more victims shall  
17 be punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the  
Penal Code for a period of 16 months, two years, or three years, and a fine not  
18 exceeding ten thousand dollars (\$10,000); or the act or acts shall be punishable by  
imprisonment in a county jail for a period of not more than one year, or a fine not  
exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

19 (4) Two or more acts in violation of subdivision (a) with a single victim, when  
20 the offender has at least one prior conviction for sexual exploitation, shall be  
punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal  
Code for a period of 16 months, two years, or three years, and a fine not exceeding  
21 ten thousand dollars (\$10,000); or the act or acts shall be punishable by imprisonment  
in a county jail for a period of not more than one year, or a fine not exceeding one  
22 thousand dollars (\$1,000), or by both that imprisonment and fine.

23 (5) An act or acts in violation of subdivision (a) with two or more victims, and  
24 the offender has at least one prior conviction for sexual exploitation, shall be  
punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal  
Code for a period of 16 months, two years, or three years, and a fine not exceeding  
25 ten thousand dollars (\$10,000).

26 For purposes of subdivision (a), in no instance shall consent of the patient or client be  
27 a defense. However, physicians and surgeons shall not be guilty of sexual exploitation  
for touching any intimate part of a patient or client unless the touching is outside the  
28 scope of medical examination and treatment, or the touching is done for sexual  
gratification.

1 (c) For purposes of this section:

2 (1) "Psychotherapist" has the same meaning as defined in Section 728.

3 (2) "Alcohol and drug abuse counselor" means an individual who holds himself  
4 or herself out to be an alcohol or drug abuse professional or paraprofessional.

5 (3) "Sexual contact" means sexual intercourse or the touching of an intimate  
6 part of a patient for the purpose of sexual arousal, gratification, or abuse.

7 (4) "Intimate part" and "touching" have the same meanings as defined in  
8 Section 243.4 of the Penal Code.

9 (d) In the investigation and prosecution of a violation of this section, no person  
10 shall seek to obtain disclosure of any confidential files of other patients, clients, or  
11 former patients or clients of the physician and surgeon, psychotherapist, or alcohol  
12 and drug abuse counselor.

13 (e) This section does not apply to sexual contact between a physician and  
14 surgeon and his or her spouse or person in an equivalent domestic relationship when  
15 that physician and surgeon provides medical treatment, other than psychotherapeutic  
16 treatment, to his or her spouse or person in an equivalent domestic relationship.

17 (f) If a physician and surgeon, psychotherapist, or alcohol and drug abuse  
18 counselor in a professional partnership or similar group has sexual contact with a  
19 patient in violation of this section, another physician and surgeon, psychotherapist, or  
20 alcohol and drug abuse counselor in the partnership or group shall not be subject to  
21 action under this section solely because of the occurrence of that sexual contact.

22 12. Section 2220.7 of the Code states:

23 (a) A physician and surgeon shall not include or permit to be included any of the  
24 following provisions in an agreement to settle a civil dispute arising from his or her  
25 practice, whether the agreement is made before or after filing the action:

26 (1) A provision that prohibits another party to the dispute from contacting or  
27 cooperating with the board.

28 (2) A provision that prohibits another party to the dispute from filing a  
complaint with the board.

(3) A provision that requires another party to the dispute to withdraw a  
complaint he or she has filed with the board.

(b) A provision described in subdivision (a) is void as against public policy.

(c) A physician and surgeon who violates this section is subject to disciplinary  
action by the board.

24 ///

25 ///

26 ///

27 ///

28 ///

**PERTINENT DRUGS**

1  
2       13. Amoxicillin is a penicillin antibiotic that is used to treat many different types of  
3 infections caused by bacteria. It can make birth control pills less effective if taken at the same  
4 time. It is a dangerous drug as defined in Business and Professions Code section 4022.

5       14. Azithromycin, known by the trade name Zithromax Z-Pak, is an antibiotic used to  
6 treat many different types of infections caused by bacteria. It is a dangerous drug as defined in  
7 Business and Professions Code section 4022.

8       15. Cephalexin, known by the trade name Keflex, is a cephalosporin antibiotic that is  
9 used to treat infections caused by bacteria, including respiratory infections, ear infections, skin  
10 infections, urinary tract infections, and bone infections. It is a dangerous drug as defined in  
11 Business and Professions Code section 4022.

12       16. Ciprofloxacin is a fluoroquinolone antibiotic used to treat different types of bacterial  
13 infections. It is a dangerous drug as defined in Business and Professions Code section 4022.

14       17. Clindamycin, known by the trade name Cleocin, is an antibiotic used to treat serious  
15 infections caused by bacteria. It may be administered either by injection or orally by capsule. It  
16 is a dangerous drug as defined in Business and Professions Code section 4022.

17       18. Depakote is a generic term for divalproex sodium which is a compound comprised of  
18 sodium valproate and valproic acid. It is an anticonvulsant used to treat manic episodes  
19 associated with bipolar disorder, epilepsy, and migraine headaches. It is a dangerous drug as  
20 defined in Business and Professions Code section 4022.

21       19. Diazepam, known by the trade name Valium, is a psychotropic drug for the  
22 management of anxiety disorders or for the short-term relief of the symptoms of anxiety. It is a  
23 dangerous drug as defined in Business and Professions Code section 4022 and a Schedule IV  
24 controlled substance as defined by section 11057 of the Health and Safety Code. Diazepam can  
25 produce psychological and physical dependence and it should be prescribed with caution  
26 particularly to addiction-prone individuals (such as drug addicts and alcoholics) because of the  
27 pre-disposition of such patients to habituation and dependence.

28





1           25. In or about September 2008, Respondent first met Pt. A, a female born in 1984, in a  
2 creative writing class at a local junior college. At the time, Respondent was a physician  
3 specializing in oncology with the Redwood Regional Medical Group, with offices in both  
4 Sebastopol and in Healdsburg.

5           26. At all times alleged herein, Respondent was married and maintained a residence with  
6 his wife.

7           27. Sometime in or before September 2009, Respondent became sexually involved with  
8 Pt. A. This sexual relationship continued through about 2016, except for a period of time in 2012  
9 and 2013 when they stopped seeing each other. In or about January 2014, they resumed their  
10 sexual relationship and continued it until about January 2016.

11           28. On or about September 30, 2009, Respondent prescribed #30 Depakote 250 mg.  
12 (valproic acid) plus three refills to Pt. A. Respondent did not examine the patient, document an  
13 appropriate history and physical examination, and did not document a medical indication for his  
14 prescribing to Pt. A. Respondent was aware that Pt. A had a history of substance abuse, including  
15 alcohol and methamphetamines, and that she had a history of violence, having served time in  
16 juvenile hall when she was younger. Respondent was also aware that Pt. A was a heavy smoker,  
17 consumed a lot of alcohol, and was taking methamphetamines that she got "off the street."

18           29. On or about November 6, 2009, Respondent prescribed six months of birth control  
19 pills (Tri-Sprintec) to Pt. A.

20           30. On or about January 4, 2010, Respondent prescribed #30 Depakote 250 mg. (valproic  
21 acid) plus five refills to Pt. A.

22           31. On or about January 21, 2010, Respondent prescribed #30 lamotrigine plus three  
23 refills to Pt. A.

24           32. Over the course of their sexual relationship through at least 2015, Respondent issued  
25 multiple prescriptions to Pt. A for various medical conditions, which included psychiatric  
26 medications, such as Depakote, lamotrigine, and Valium (diazepam), birth control pills,  
27 hypothyroid medication (levothyroxine), various antibiotics (oral and topical), eye medications,  
28 and Prednisone.

1           33. During the course of his treating of and prescribing to Pt. A, Respondent kept no  
2 records. Respondent has no medical records or other documentation of appropriate examinations  
3 with documented medical history and findings to support and document his treatments of Pt. A  
4 and no record that he monitored the effectiveness of those treatments. Respondent also has no  
5 medical records or other documentation that he discussed the risks and benefits of the drug  
6 treatments he prescribed with Pt. A to establish that he obtained informed consent from the  
7 patient.

8           34. From April 2013 through December 2014, Respondent issued the following  
9 prescription medications to Pt. A: Valium, Prednisone, various antibiotics (Ciprofloxacin,  
10 Cleocin, azithromycin, Keflex), and eye medications. During that same time period, Pt. A was  
11 being treated by other health professionals who also issued her prescriptions.

12           35. From January 2015 through January 2016, Respondent issued the following  
13 prescription medications to Pt. A: Valium (two months supply), levothyroxine (six months  
14 supply), Vivotif (typhoid oral vaccine), various antibiotics (Ciprofloxacin, Keflex, triamcinolone  
15 cream), and eye medications. During that same time period, Pt. A was being treated by other  
16 health professionals who also issued her prescriptions.

17           36. More specifically, based on the allegations herein of Paragraphs 24 through 35,  
18 Respondent is subject to disciplinary action for unprofessional conduct under section 2234  
19 subdivision (b) [gross negligence] and/or section 726 [sexual misconduct] and/or section 729  
20 [sexual exploitation] as follows:

- 21           a. Respondent failed to observe and maintain professional boundaries with Pt. A by  
22 engaging in sexual relations while in a patient-physician relationship.  
23 Respondent's dual relationship with Pt. A violated professional and ethical  
24 standards and constitutes unprofessional conduct and an extreme departure from  
25 the standard of care (gross negligence), sexual misconduct, and sexual  
26 exploitation.

- 1 b. While involved sexually with Pt. A for many years, Respondent continued to treat  
2 and prescribe medications to Pt. A for various medical conditions, including  
3 psychiatric conditions.
- 4 c. Respondent issued prescriptions to Pt. A without documenting an appropriate  
5 history and physical medical examination and a medical indication for his  
6 treatments, without obtaining relevant diagnostic studies, without formulating and  
7 documenting a treatment plan with periodic monitoring, and without documenting  
8 that he had obtained informed consent.
- 9 d. Respondent prescribed medications to Pt. A without communicating and  
10 coordinating care with her other healthcare providers in order to avoid the risks,  
11 such as duplicating medications, overprescribing, or inadvertently causing drug  
12 interactions.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Unprofessional Conduct: Gross Negligence; Prescribing without**  
15 **Appropriate Medical Examination and Medical Indication)**

16 37. The allegations of Paragraphs 24 through 36 above are incorporated herein by  
17 reference as if fully set forth. Respondent's license is subject to disciplinary action for  
18 unprofessional conduct under section 2234, subdivision (b) [gross negligence] and section 2242  
19 in that he prescribed controlled substances and dangerous drugs to Pt. A without performing an  
20 appropriate prior examination and without a medical indication.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct: Failure to Maintain Adequate and Accurate Records)**

23 38. The allegations of Paragraphs 24 through 36 above are incorporated herein by  
24 reference as if fully set forth. Respondent's license is subject to disciplinary action for  
25 unprofessional conduct under section 2266 in that he failed to maintain adequate and accurate  
26 records relating to his medical care and treatment of Pt. A.

27 ///

28 ///

1 FOURTH CAUSE FOR DISCIPLINE

2 **(Prohibited Provisions in Settlement Agreement: Failure to Report Settlement)**

3 39. Respondent Peter Barmon Brett, M.D. is subject to disciplinary action for  
4 unprofessional conduct under section 2234 through violations of section 2220.7 because he  
5 included prohibited provisions in a civil settlement agreement with Patient A. The facts and  
6 circumstances are as follows:

7 40. The allegations of Paragraphs 24 through 36 above are incorporated herein by  
8 reference as if fully set forth.

9 41. On or about August 30, 2018, Pt. A filed a civil complaint against Respondent in the  
10 Sonoma County Superior Court that alleged multiple causes of action, including professional  
11 negligence by a physician for Respondent's care and treatment of Pt. A, and sexual battery. In  
12 said civil complaint, the plaintiff (Pt. A) alleged that she and Respondent had a physician-patient  
13 relationship beginning in or about late 2008, which continued until sometime in November or  
14 December of 2017. It was also alleged that Pt. A's sexual relationship with Respondent began in  
15 approximately September 2009 and continued until the fall of 2017.

16 42. On or about February 27, 2019, Respondent and the plaintiff (Pt. A) entered into a  
17 Settlement Agreement and Mutual Release regarding the civil complaint. The Settlement  
18 Agreement included an initial payment of more than \$30,000 by Respondent to Pt. A. In said  
19 settlement agreement, there was a confidentiality clause which stated that the terms and  
20 conditions of the agreement were to be kept confidential by the parties "except as it may be  
21 required by state or federal law, court subpoena, or as required or permitted in a court  
22 proceeding." The confidentiality clause further stated that the parties agreed that "going forward,  
23 neither party will affirmatively notify any third person or entity that the parties were involved in  
24 litigation with one another, unless such disclosure is necessary in the usual course of business."

25 43. More specifically, Respondent is subject to disciplinary action for unprofessional  
26 conduct under section 2234 because the civil settlement agreement with Pt. A. violated section  
27 2220.7 subdivisions (a)(1) and (a)(2) by prohibiting Pt. A from contacting or cooperating with the  
28 Board and from filing a complaint with the Board.


1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PRAYER**

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number G 59321, issued to Peter Barmon Brett, M.D.;
2. Revoking, suspending or denying approval of Peter Barmon Brett, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Peter Barmon Brett, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: MAY 26 2020

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

SF2020200435