

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

**In the Matter of the First Amended
Accusation Against:**

Joan Katherine Frisoli, M.D.

**Physician's and Surgeon's
Certificate No. A 63373**

Case No.: 800-2020-063889

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 June 17, 2022.

IT IS SO ORDERED: May 18, 2022.

MEDICAL BOARD OF CALIFORNIA



**Laurie Rose Lubiano, J.D., Chair
Panel A**

1 ROB BONTA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 THOMAS OSTLY
Deputy Attorney General
4 State Bar No. 209234
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3871
6 Facsimile: (415) 703-5480
Attorneys for Complainant

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

12 In the Matter of the First Amended Accusation
Against:

13 **JOAN KATHERINE FRISOLI, M.D.**
14 **P.O. Box 3515**
15 **Carmel, CA 93921**

16 **Physician's and Surgeon's Certificate No. A**
17 **63373**

18 Respondent.

Case No. 800-2020-063889

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

19 In the interest of a prompt and speedy settlement of this matter, consistent with the public
20 interest and the responsibility of the Medical Board of California of the Department of Consumer
21 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order
22 which will be submitted to the Board for approval and adoption as the final disposition of the
23 Accusation.

24 **PARTIES**

25 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
26 California (Board). He brought this action solely in his official capacity and is represented in this
27 matter by Rob Bonta, Attorney General of the State of California, by Thomas Ostly, Deputy
28 Attorney General.

2. Respondent Joan Katherine Frisoli, M.D. (Respondent) is represented in this proceeding by attorney Greg Abrams, whose address is: Abrams Health Law 2443 Fillmore Street #380-4089, San Francisco, CA 94115.

3. On or about August 29, 1997, the Board issued Physician's and Surgeon's Certificate No. A 63373 to Joan Katherine Frisoli, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in First Amended Accusation No. 800-2020-063889, and will expire on December 31, 2022, unless renewed.

JURISDICTION

4. First Amended Accusation No. 800-2020-063889 was filed before the Board, and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent, who timely filed her Notice of Defense.

5. A copy of First Amended Accusation No. 800-2020-063889 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Accusation No. 800-2020-063889. Respondent has also carefully read, fully discussed with her counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

1
2 **CULPABILITY**

3 9. For the purpose of resolving the charges and allegations in First Amended Accusation
4 No. 800-2020-063889, without the expense and uncertainty of further proceedings, Respondent
5 agrees that the charges and allegations in the First Amended Accusation, if proven at a hearing,
6 constitute cause for imposing discipline upon her Physician's and Surgeon's Certificate and she
7 agrees to be bound by the Board's imposition of discipline as set in the disciplinary order below.

8 10. Respondent agrees that her Physician's and Surgeon's Certificate is subject to
9 discipline and she agrees to be bound by the Board's probationary terms as set forth in the
10 Disciplinary Order below.

11 **CONTINGENCY**

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

22 12. Respondent agrees that if she ever petitions for early termination or modification of
23 probation, or if an accusation and/or petition to revoke probation is filed against her before the
24 Board, all of the charges and allegations contained in First Amended Accusation No. 800-2020-
25 063889 shall be deemed true, correct and fully admitted by respondent for purposes of any such
26 proceeding or any other licensing proceeding involving Respondent in the State of California.
27
28

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 63373 issued to Respondent Joan Katherine Frisoli, M.D. is revoked. However, revocation is stayed and Respondent is placed on probation for five years upon the following terms and conditions.

1. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism program, that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1. Respondent shall participate in and successfully complete that program. Respondent shall provide any information and documents that the program may deem pertinent. Respondent shall successfully complete the classroom component of the program not later than six (6) months after Respondent's initial enrollment, and the longitudinal component of the program not later than the time specified by the program, but no later than one (1) year after attending the classroom component. The professionalism program shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

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

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

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

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

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

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

Respondent shall contract with a laboratory or service, approved in advance by the Board or

1 its designee, that will conduct random, unannounced, observed, biological fluid testing and meets
2 all of the following standards:

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

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

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

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

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

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

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

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

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

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

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

1 day.

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

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

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

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

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

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

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

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

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

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

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

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

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

27 The facilitator of the substance abuse support group meeting shall have a minimum of three
28 (3) years experience in the treatment and rehabilitation of substance abuse, and shall be licensed

1 or certified by the state or nationally certified organizations. The facilitator shall not have a
2 current or former financial, personal, or business relationship with Respondent within the last five
3 (5) years. Respondent's previous participation in a substance abuse group support meeting led by
4 the same facilitator does not constitute a prohibited current or former financial, personal, or
5 business relationship.

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

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

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

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

27 Respondent shall pay all worksite monitoring costs.

28 The worksite monitor shall have face-to-face contact with Respondent in the work

1 environment on as frequent a basis as determined by the Board or its designee, but not less than
2 once per week; interview other staff in the office regarding Respondent's behavior, if requested
3 by the Board or its designee; and review Respondent's work attendance.

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

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

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

responsibility.

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

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

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

(2) Increase the frequency of biological fluid testing.

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

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

(1) Issue a cease-practice order;

(2) Order practice limitations;

(3) Order or increase supervision of Respondent;

(4) Order increased documentation;

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

(6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in

1 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of
2 Regulations, at Respondent's expense;

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

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

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

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

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

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

26 12. QUARTERLY DECLARATIONS. Respondent shall submit quarterly
27 declarations under penalty of perjury on forms provided by the Board, stating whether there has
28 been compliance with all the conditions of probation.

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

3 13. GENERAL PROBATION REQUIREMENTS.

4 Compliance with Probation Unit

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

6 Address Changes

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

12 Place of Practice

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

16 License Renewal

17 Respondent shall maintain a current and renewed California physician's and surgeon's
18 license.

19 Travel or Residence Outside California

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

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

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

1 15. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board
2 or its designee in writing within 15 calendar days of any periods of non-practice lasting more than
3 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
4 defined as any period of time Respondent is not practicing medicine as defined in Business and
5 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
6 patient care, clinical activity or teaching, or other activity as approved by the Board. If
7 Respondent resides in California and is considered to be in non-practice, Respondent shall
8 comply with all terms and conditions of probation. All time spent in an intensive training
9 program which has been approved by the Board or its designee shall not be considered non-
10 practice and does not relieve Respondent from complying with all the terms and conditions of
11 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
12 on probation with the medical licensing authority of that state or jurisdiction shall not be
13 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
14 period of non-practice.

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

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

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

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

27 16. COMPLETION OF PROBATION. Respondent shall comply with all financial
28 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the

1 completion of probation. Upon successful completion of probation, Respondent's certificate shall
2 be fully restored.

3 17. VIOLATION OF PROBATION. Failure to fully comply with any term or
4 condition of probation is a violation of probation. If Respondent violates probation in any
5 respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke
6 probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to
7 Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation,
8 the Board shall have continuing jurisdiction until the matter is final, and the period of probation
9 shall be extended until the matter is final.

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

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

25 20. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
26 ordered to reimburse the Board its costs of investigation and enforcement, including, but not
27 limited to, expert review, amended accusations, legal reviews, joint investigations, and subpoena
28 enforcement, as applicable, in the amount of \$3,600.00 (Three thousand six hundred dollars).

1 Costs shall be payable to the Medical Board of California. Failure to pay such costs shall be
2 considered a violation of probation.

3 Any and all requests for a payment plan shall be submitted in writing by respondent to the
4 Board.

5 The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to
6 repay investigation and enforcement costs.

7 21. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply
8 for a new license or certification, or petition for reinstatement of a license, by any other health
9 care licensing action agency in the State of California, all of the charges and allegations contained
10 in First Amended Accusation No. 800-2020-063889 shall be deemed to be true, correct, and
11 admitted by Respondent for the purpose of any Statement of Issues or any other proceeding
12 seeking to deny or restrict license.

13 ACCEPTANCE

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

19
20 DATED: 4/6/22 Joan K Frisoli MD

21 JOAN KATHERINE FRISOLI, M.D.

Respondent

22 I have read and fully discussed with Respondent Joan Katherine Frisoli, M.D. the terms and
23 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.

24 I approve its form and content.

25
26 DATED: 4/6/22 Greg Abrams

27 GREG ABRAMS

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 Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

DATED: 4/6/2022

Respectfully submitted,

ROB BONTA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General

Jane Zack Simon (for)

THOMAS OSTLY
Deputy Attorney General
Attorneys for Complainant

SF2020401658
Frisoli corrected stipulation.docx

Exhibit A

First Amended Accusation No. 800-2020-063889

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 THOMAS OSTLY
Deputy Attorney General
4 State Bar No. 209234
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3871
6 E-mail: Thomas.Ostly@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 First Amended Accusation
Against:

14 **Joan Katherine Frisoli, M.D.**
15 **P.O. Box 3515**
Carmel, CA 93921

16 **Physician's and Surgeon's Certificate**
17 **No. A 63373,**

Respondent.

Case No. 800-2020-063889

**FIRST AMENDED
ACCUSATION**

19
20 **PARTIES**

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

24 2. On August 29, 1997, the Medical Board issued Physician's and Surgeon's Certificate
25 Number A 63373 to Joan Katherine Frisoli, M.D. (Respondent). The Physician's and Surgeon's
26 Certificate was in full force and effect at all times relevant to the charges brought herein and will
27 expire on December 31, 2022, unless renewed.

28 *///*

JURISDICTION

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

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

6. Section 2239 of the Code provides that it is unprofessional conduct for a licensee to use alcohol, dangerous drugs or controlled substances 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.

7. 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 within the meaning of Chapter 5 of the Medical Practice Act. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

FACTUAL ALLEGATIONS

8. On June 15, 2019, a witness reported to police that he observed a driver, later identified as Respondent, swerving out of her lane and crossing the solid double yellow lines multiple times on Rio Road and then again on San Carlos Street in Carmel, CA. The witness followed Respondent and observed that she "missed a few stop signs and was driving rather irregularly."

9. The witness followed Respondent to the area of San Carlos Street and 7th Avenue where he observed Respondent attempt to park her vehicle on the east curb line on San Carlos Street. The witness stated he saw Respondent's vehicle lurch slightly, as if to strike the vehicle behind her. Damage consistent with the collision described by the witness was later found on

1 both vehicles. The witness then observed Respondent getting out of her car, and that she had
2 difficulty walking.

3 10. At around 8:00 p.m., police met with Respondent at her home, and told her a witness
4 had reported her vehicle was involved in a hit and run. Respondent denied being involved in a
5 collision or driving the vehicle since approximately 2 p.m. Respondent also stated that she had
6 one glass of wine between 3:00 p.m. and 4:00 p.m., but had not consumed alcohol since returning
7 home.

8 11. Respondent then performed a series of field sobriety tests. The officer administering
9 those tests noted objective signs of intoxication and performance on the tests consistent with
10 impairment due to alcohol intoxication.

11 12. Respondent was arrested for 23152(a) VC, DUI: alcohol/drugs; and 23152(b) VC,
12 DUI: .08 alcohol, both misdemeanors. At approximately 10:00 p.m. Respondent provided
13 chemical breath samples with results of .20% and .21% BAC. On June 30, 2019 Respondent
14 suffered a conviction for violation of VC 23152(b).

15 13. On August 21, 2020 a Medical Board investigator interviewed Respondent regarding
16 the circumstances of her DUI conviction. In that interview, Respondent admitted she had made
17 untrue statements to police during their driving under the influence investigation, and stated she
18 did not remember making them. Respondent admitted in the recorded interview to consuming
19 more than she had told the police during their investigation. However, the number of drinks and
20 timing of consumption reported to the Medical Board is inconsistent with her tested blood alcohol
21 content.

22 14. During her arrest and booking Respondent told officers she had experienced suicidal
23 thoughts within the previous ten years of her arrest. In her Board interview Respondent stated she
24 did not remember making the statement.

25 ////

26 ////

27 ////

28 ////

1 **FIRST CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct: Conviction of a Crime/Dangerous Use of Alcohol)

3 15. The allegations of paragraphs 8 through 14 above are incorporated by reference as if
4 set out in full. Respondent's criminal conviction for and her action in driving while she had a
5 blood alcohol content greater than 0.08%, is substantially related to the qualifications, functions
6 and duties of a physician and surgeon, and constitute cause for discipline for unprofessional
7 conduct pursuant to sections 2234 and/or 2236 of the Code.

8
9 **SECOND CAUSE FOR DISCIPLINE**

10 (Impaired Ability to Safely Practice Medicine)

11 16. The allegations of paragraphs 8 through 14 above are incorporated by reference as if
12 set out in full. Respondent's certificate is subject to discipline pursuant to sections 2227 and 822
13 of the Code in that Respondent is impaired in her ability to safely practice medicine as a result of
14 substance abuse.

15
16 **THIRD CAUSE FOR DISCIPLINE**

17 (Unprofessional Conduct: Dangerous Use of Alcohol)

18 17. The allegations of paragraphs 8 through 14 above are incorporated by reference as if
19 set out in full. Respondent's certificate is subject to discipline pursuant to sections 2234 and/or
20 2239 of the Code in that her conduct in falsely reporting the alcohol she had consumed when
21 asked by the police in an attempt to avoid the consequences of her actions constitute
22 unprofessional conduct and cause for discipline pursuant to section 2234 of the Code.

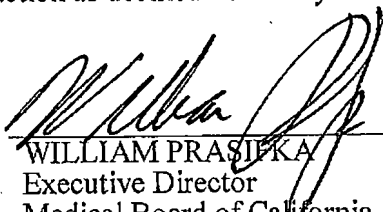
23
24 **PRAYER**

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

27 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 63373,
28 issued to Joan Katherine Frisoli, M.D.;

- 1 2. Revoking, suspending or denying approval of Joan Katherine Frisoli, M.D.'s authority
2 to supervise physician assistants and advanced practice nurses;
3 3. Ordering Joan Katherine Frisoli, M.D., if placed on probation, to pay the Board the
4 costs of probation monitoring; and
5 4. Taking such other and further action as deemed necessary and proper.

6 **MAR 30 2021**
7 DATED: _____



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

12 SF2020401658
13 34694647
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28