

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

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

David Brooks, M.D.

**Physician's and Surgeon's
Certificate No. G 11503**

Respondent.

Case No. 800-2019-053391

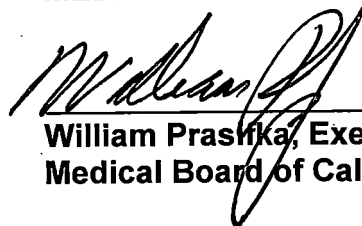
DECISION

The attached Stipulated Surrender of License 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
September 1, 2022.**

IT IS SO ORDERED August 25, 2022.

MEDICAL BOARD OF CALIFORNIA



**William Prasnik, Executive Director
Medical Board of California**

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 KAROLYN M. WESTFALL
Deputy Attorney General
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8 *Attorneys for Complainant*

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

In the Matter of the First Amended Accusation
Against:
DAVID BROOKS, M.D.
176 S. Palm Street
Blythe, CA 92225
**Physician's and Surgeon's Certificate
No. G 11503,**
Respondent.

Case No. 800-2019-053391
OAH No. 2021110596
**STIPULATED SURRENDER OF
LICENSE AND DISCIPLINARY ORDER**

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

PARTIES

1. William Prasifka (Complainant) is the Executive Director of the Medical Board of California (Board). He brought this action solely in his official capacity and is represented in this matter by Rob Bonta, Attorney General of the State of California, by Karolyn M. Westfall, Deputy Attorney General.

///

1 2. David Brooks, M.D. (Respondent) is represented in this proceeding by attorneys Peter
2 R. Osinoff, Esq., and Carolyn Lindholm, Esq., whose address is: Bonne Bridges, Mueller,
3 O'Keefe & Nichols, 355 South Grand Avenue, Suite 1750, Los Angeles, CA 90071-1562.

4 3. On or about December 13, 1965, the Board issued Physician's' and Surgeon's
5 Certificate No. G 11503 to Respondent. The Physician's and Surgeon's Certificate was in full
6 force and effect at all times relevant to the charges brought in First Amended Accusation No.
7 800-2019-053391 and will expire on October 31, 2023, unless renewed.

8 **JURISDICTION**

9 4. First Amended Accusation No. 800-2019-053391, which superseded the Accusation
10 filed on October 12, 2021, was filed before the Board, and is currently pending against
11 Respondent. The First Amended Accusation and all other statutorily required documents were
12 properly served on Respondent on March 3, 2022. Respondent timely filed his Notice of Defense
13 contesting the Accusation. A copy of First Amended Accusation No. 800-2019-053391 is
14 attached hereto as Exhibit A and incorporated by reference.

15 **ADVISEMENT AND WAIVERS**

16 5. Respondent has carefully read, fully discussed with counsel, and understands the
17 charges and allegations in First Amended Accusation No. 800-2019-053391. Respondent also
18 has carefully read, fully discussed with counsel, and understands the effects of this Stipulated
19 Surrender of License and Order.

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

27 7. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently
28 waives and gives up each and every right set forth above.

1 **CULPABILITY**

2 8. Respondent does not contest that, at an administrative hearing, Complainant could
3 establish a *prima facie* case with respect to the charges and allegations contained in First
4 Amended Accusation No. 800-2019-053391, a true and correct copy of which is attached hereto
5 as Exhibit A, and that he has thereby subjected his Physician's and Surgeon's Certificate No.
6 G 11503 to disciplinary action. Respondent hereby surrenders his Physician's and Surgeon's
7 Certificate No. G 11503 for the Board's formal acceptance with an agreed upon effective date of
8 September 1, 2022.

9 9. Respondent agrees that his Physician's and Surgeon's Certificate No. G 11503 is
10 subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth
11 in the Disciplinary Order below.

12 10. Respondent further agrees that if he ever petitions for reinstatement of his Physician's
13 and Surgeon's Certificate No. G 11503, all of the charges and allegations contained in First
14 Amended Accusation No. 800-2019-053391 shall be deemed true, correct, and fully admitted by
15 Respondent for purposes of any such proceeding or any other licensing proceeding involving
16 Respondent in the State of California or elsewhere.

17 11. Respondent understands that by signing this stipulation he enables the Executive
18 Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his
19 Physician's and Surgeon's Certificate No. G 11503 without further process.

20 **CONTINGENCY**

21 12. Business and Professions Code section 2224, subdivision (b), provides, in pertinent
22 part, that the Medical Board "shall delegate to its executive director the authority to adopt a ...
23 stipulation for surrender of a license."

24 13. This stipulation shall be subject to the approval of the Executive Director on behalf of
25 the Board. The parties agree that this Stipulated Surrender of License and Disciplinary Order
26 shall be submitted to the Executive Director for his consideration in the above-entitled matter and,
27 further, that the Executive Director shall have a reasonable period of time in which to consider
28 and act on this Stipulated Surrender of License and Disciplinary Order after receiving it. By

1 signing this stipulation, Respondent fully understands and agrees that he may not withdraw his
2 agreement or seek to rescind this stipulation prior to the time the Executive Director, on behalf of
3 the Board, considers and acts upon it.

4 14. The parties understand and agree that Portable Document Format (PDF) and facsimile
5 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures
6 thereto, shall have the same force and effect as the originals.

7 15. In consideration of the foregoing admissions and stipulations, the parties agree that
8 the Board may, without further notice or formal proceeding, issue and enter the following Order:

9 **ORDER**

10 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 11503, issued
11 to Respondent David Brooks, M.D., is surrendered effective September 1, 2022, and accepted by
12 the Board.

13 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the
14 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
15 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
16 of Respondent's license history with the Board.

17 2. Respondent shall lose all rights and privileges as a physician and surgeon in
18 California as of the effective date of the Board's Decision and Order, which shall be September 1,
19 2022.

20 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
21 issued, his wall certificate on or before the effective date of the Decision and Order.

22 4. If Respondent ever files an application for licensure or a petition for reinstatement in
23 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
24 comply with all the laws, regulations and procedures for reinstatement of a revoked or
25 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
26 contained in First Amended Accusation No. 800-2019-053391 shall be deemed to be true, correct
27 and admitted by Respondent when the Board determines whether to grant or deny the petition.

28 ///


1 5. Respondent shall pay the agency its costs of investigation and enforcement in the
2 amount of \$3,491.25 prior to issuance of a new or reinstated license.

3 6. If Respondent should ever apply or reapply for a new license or certification, or
4 petition for reinstatement of a license, by any other health care licensing agency in the State of
5 California, all of the charges and allegations contained in First Amended Accusation, No. 800-
6 2019-053391 shall be deemed to be true, correct, and admitted by Respondent for the purpose of
7 any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

8 ACCEPTANCE


9 I have carefully read the above Stipulated Surrender of License and Disciplinary Order and
10 have fully discussed it with my attorneys Peter R. Osinoff, Esq., and/or Carolyn Lindholm, Esq. I
11 understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate.
12 I enter into this Stipulated Surrender of License and Disciplinary Order voluntarily, knowingly,
13 and intelligently, and agree to be bound by the Decision and Order of the Medical Board of
14 California.

15
16 DATED: 05-19-2022


17 _____
18 DAVID BROOKS, M.D.
19 Respondent

20 I have read and fully discussed with Respondent David Brooks, M.D., the terms and
21 conditions and other matters contained in this Stipulated Surrender of License and Disciplinary
22 Order. I approve its form and content.

23 DATED: 5/19/22


24 _____
25 PETER R. OSINOFF, ESQ.
26 CAROLYN LINDHOLM, ESQ.
27 Attorneys for Respondent
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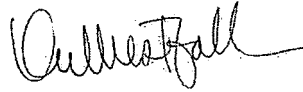
ENDORSEMENT

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

DATED: 5/19/22

Respectfully submitted,

ROB BONTA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General



KAROLYN M. WESTFALL
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 800-2019-053391

1 ROB BONTA
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Supervising Deputy Attorney General
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8 *Attorneys for Complainant*

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

In the Matter of the First Amended Accusation
Against:

Case No. 800-2019-053391

FIRST AMENDED ACCUSATION

**DAVID BROOKS, M.D.
176 S. Palm Street
Blythe, CA 92225**

**Physician's and Surgeon's Certificate
No. G 11503,**

Respondent.

PARTIES

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

2. On or about December 13, 1965, the Board issued Physician's and Surgeon's Certificate No. G 11503 to David Brooks, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2023 unless renewed.

///

JURISDICTION

1
2 3. This First Amended Accusation, which supersedes the Accusation filed on October
3 12, 2021, is brought before the Board, under the authority of the following laws. All section
4 references are to the Business and Professions Code (Code) unless otherwise indicated.

5 4. Section 2227 of the Code states, in pertinent part:

6 (a) A licensee whose matter has been heard by an administrative law judge of
7 the Medical Quality Hearing Panel as designated in Section 11371 of the Government
8 Code, or whose default has been entered, and who is found guilty, or who has entered
into a stipulation for disciplinary action with the board, may, in accordance with the
provisions of this chapter:

9 (1) Have his or her license revoked upon order of the board.

10 (2) Have his or her right to practice suspended for a period not to exceed one
11 year upon order of the board.

12 (3) Be placed on probation and be required to pay the costs of probation
13 monitoring upon order of the board.

14 (4) Be publicly reprimanded by the board. The public reprimand may include a
15 requirement that the licensee complete relevant educational courses approved by the
16 board.

17 (5) Have any other action taken in relation to discipline as part of an order of
18 probation, as the board or an administrative law judge may deem proper.

19 ...

20 5. Section 2234 of the Code, states, in pertinent part:

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

24 ...

25 (b) Gross negligence.

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

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1 6. Unprofessional conduct under Business and Professions Code section 2234 is conduct
2 which breaches the rules or ethical code of the medical profession, or conduct which is
3 unbecoming a member in good standing of the medical profession, and which demonstrates an
4 unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564,
5 575.)

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

9 COST RECOVERY

10 8. Section 125.3 of the Code states:

11 (a) Except as otherwise provided by law, in any order issued in resolution of a
12 disciplinary proceeding before any board within the department or before the
13 Osteopathic Medical Board upon request of the entity bringing the proceeding, the
14 administrative law judge may direct a licensee found to have committed a violation or
15 violations of the licensing act to pay a sum not to exceed the reasonable costs of the
16 investigation and enforcement of the case.

17 (b) In the case of a disciplined licentiate that is a corporation or a partnership,
18 the order may be made against the licensed corporate entity or licensed partnership.

19 (c) A certified copy of the actual costs, or a good faith estimate of costs where
20 actual costs are not available, signed by the entity bringing the proceeding or its
21 designated representative shall be prima facie evidence of reasonable costs of
22 investigation and prosecution of the case. The costs shall include the amount of
23 investigative and enforcement costs up to the date of the hearing, including, but not
24 limited to, charges imposed by the Attorney General.

25 (d) The administrative law judge shall make a proposed finding of the amount
26 of reasonable costs of investigation and prosecution of the case when requested
27 pursuant to subdivision (a). The finding of the administrative law judge with regard
28 to costs shall not be reviewable by the board to increase the cost award. The board
may reduce or eliminate the cost award, or remand to the administrative law judge if
the proposed decision fails to make a finding on costs requested pursuant to
subdivision (a).

 (e) If an order for recovery of costs is made and timely payment is not made as
directed in the board's decision, the board may enforce the order for repayment in any
appropriate court. This right of enforcement shall be in addition to any other rights
the board may have as to any licensee to pay costs.

 (f) In any action for recovery of costs, proof of the board's decision shall be
conclusive proof of the validity of the order of payment and the terms for payment.

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1 (g)(1) Except as provided in paragraph (2), the board shall not renew or
reinststate the license of any licensee who has failed to pay all of the costs ordered
under this section.

2
3 (2) Notwithstanding paragraph (1), the board may, in its discretion,
conditionally renew or reinststate for a maximum of one year the license of any
4 licensee who demonstrates financial hardship and who enters into a formal agreement
with the board to reimburse the board within that one-year period for the unpaid
5 costs.

6 (h) All costs recovered under this section shall be considered a reimbursement
for costs incurred and shall be deposited in the fund of the board recovering the costs
to be available upon appropriation by the Legislature.

7
8 (i) Nothing in this section shall preclude a board from including the recovery of
the costs of investigation and enforcement of a case in any stipulated settlement.

9 (j) This section does not apply to any board if a specific statutory provision in
10 that board's licensing act provides for recovery of costs in an administrative
disciplinary proceeding.

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Gross Negligence)**

13 9. Respondent has subjected his Physician's and Surgeon's Certificate No. G 11503 to
14 disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of
15 the Code, in that he was grossly negligent in his care and treatment of Patients A and B,¹ as more
16 particularly alleged hereinafter:

17 10. Since in or around 1992, Respondent has maintained a solo general medicine practice
18 out of his home in Blythe, California.

19 11. On or about November 15, 2019, Board investigators performed an unannounced site
20 inspection at Respondent's clinic. During this inspection, investigators witnessed expired
21 medications stored immediately beside food inside the kitchen refrigerator, hundreds of bottles of
22 expired medications belonging to deceased patients located in bags and on shelves in a storage
23 room, medication and medical equipment maintained in unsanitary conditions, and patient
24 medical records stored in milk crates on shelves in a room between the reception area and the
25 kitchen. At that time, Respondent admitted to investigators that he sometimes provides the

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28 ¹ To protect the privacy of the patients involved, the patients' names have not been
included in this pleading. Respondent is aware of the identity of the patients referred to herein.

1 expired medications to patients who cannot afford medical treatment, but informed the
2 investigators that he would dispose of the medications properly.

3 12. On or about December 16, 2019, Board investigators returned to Respondent's clinic
4 for another unannounced site visit and noted Respondent had still not disposed of the hundreds of
5 bottles of expired medications. Respondent authorized the investigators to dispose of the
6 medications for him, which filled approximately sixteen large garbage bags.

7 **PATIENT A**

8 13. On or about April 5, 2019, Respondent began providing primary care treatment to
9 Patient A, a then fifty-two year old female patient. At this initial visit, and every visit thereafter,
10 Respondent obtained the patient's vital signs and took short illegible notes that did not include a
11 physical examination or review of systems. At the conclusion of this visit, Respondent did not
12 specify a diagnosis for Patient A,² but prescribed her multiple medications including 90 tablets of
13 methadone³ 10mg, and 30 tablets of lorazepam⁴ 2mg.⁵

14 14. Between on or about April 5, 2019, and on or about February 28, 2020, Patient A
15 presented to Respondent for approximately twelve (12) clinical visits. Throughout that time,
16 Respondent did not obtain a detailed history from the patient, did not perform a focused physical
17 examination, did not elicit information from the patient regarding the cause, location, duration, or
18 nature of her pain, did not obtain any prior imaging or other treatment records, did not
19 recommend non-pharmacologic treatment modalities, did not offer or recommend safer
20 alternatives to opioids and benzodiazepines, did not did document a discussion with the patient

21 _____
22 ² At the subject interview on February 23, 2021, Respondent stated he was treating the a
patient for pain.

23 ³ Methadone is an opioid medication used for the treatment of pain or drug addiction. It is
24 a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision
(c), and a dangerous drug pursuant to Business and Professions Code section 4022.

25 ⁴ Lorazepam (brand name Ativan) is a benzodiazepine medication used to treat anxiety. It
26 is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057,
subdivision (d), and a dangerous drug pursuant to Business and Professions Code section 4022.

27 ⁵ The number and dosing of the prescribed medications was not identified in the patient's
28 chart at each visit. This information was obtained from CURES and original prescriptions.

1 regarding the risks and benefits of the use of opioids and benzodiazepines, did not obtain a
2 baseline EKG, did not refer the patient to any specialists, did not assess the patient for drug
3 addiction or aberrancy, did not perform a psychological evaluation, did not complete an anxiety
4 screening questionnaire, and did not review CURES.⁶

5 15. On or about May 3, 2019, Patient A presented to Respondent for a follow-up visit.
6 During this visit, Respondent obtained the patient's vital signs and prescribed the patient multiple
7 medications including 90 tablets of methadone 10mg, 30 tablets of lorazepam 2mg, and 120
8 tablets of tramadol⁷ 50mg.

9 16. Between on or about May 3, 2019, and on or about October 25, 2019, Patient A
10 presented to Respondent for approximately seven (7) clinical visits. Throughout that time,
11 Respondent maintained the patient on her medication regimen of methadone, lorazepam, and
12 tramadol.

13 17. On or about May 17, 2019, Patient A provided a urinalysis at Palo Verde Hospital
14 that revealed negative results for benzodiazepines and opiates, and positive results for
15 cannabinoids. Respondent did not discuss these results with the patient at her subsequent visit, or
16 any visit thereafter.

17 18. On or about November 29, 2019, Patient A presented to Respondent for a follow-up
18 visit with complaints of a resistant urinary tract infection. During this visit, Respondent obtained
19 the patient's vital signs and prescribed her multiple medications including 90 tablets of
20 methadone 10mg, 120 tablets of tramadol 50mg, and 30 tablets of clonazepam⁸ 2mg.

21 ///

22 ⁶ The Controlled Substances Utilization Review and Evaluation System (CURES), is a
23 database maintained by the Department of Justice of Schedule II, III and IV controlled substance
24 prescriptions dispensed in California serving the public health, regulatory oversight agencies, and
law enforcement.

25 ⁷ Tramadol (brand name Ultram) is an opioid analgesic medication. It is a Schedule IV
26 controlled substance pursuant to Health and Safety Code section 11057, and a dangerous drug
pursuant to Business and Professions Code section 4022.

27 ⁸ Clonazepam (brand name Klonopin) is a benzodiazepine medication used to treat
28 anxiety. It is a Schedule IV controlled substance pursuant to Health and Safety Code section
11057, subdivision (d), and a dangerous drug pursuant to Business and Professions Code section
4022.

1 19. Between on or about November 29, 2019, and on or about February 28, 2020, Patient
2 A presented to Respondent for approximately five (5) clinical visits. Throughout that time,
3 Respondent maintained the patient on her medication regimen of methadone, clonazepam, and
4 tramadol.

5 20. Between on or about May 3, 2019, and on or about February 28, 2020, Respondent
6 maintained Patient A on a high narcotic dosage without performing or documenting a functional
7 assessment of the patient with a focus on analgesia, activities of daily living, adverse effects of
8 opiates, aberrant behaviors, or the patient's affect. Respondent did not have the patient sign a
9 pain management agreement, did not document a review of CURES, did not order any urine
10 screens to assess for aberrancy, and did not perform any pill counts. Respondent did not identify
11 any treatment goals, did not attempt to taper the patient's medications, and did not prescribe
12 naloxone.

13 21. Respondent committed gross negligence in his care and treatment of Patient A, which
14 included, but was not limited to, the following:

- 15 A. Failing to appropriately evaluate and manage the patient's chronic pain;
16 B. Failing to risk stratify the patient prior to initiating opiate therapy, and then
17 failing to properly monitor the patient's use of opiate pain medications, while
18 continuing to prescribe chronic opiate therapy; and
19 C. Failing to maintain and securely store adequate and accurate records.

20 **PATIENT B**

21 22. On or about March 21, 2017, Respondent began providing primary care treatment to
22 Patient B, a then fifty-five year old female patient with a history of human immunodeficiency
23 virus and diabetes. At this initial visit, and every visit thereafter, Respondent obtained the
24 patient's vital signs, and took short illegible notes that did not include a physical examination or
25 review of systems. At this visit Respondent did not specify a diagnosis for Patient B or a plan for
26 treatment, other than to state, "refills," without mention of a type or dose of any specific

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1 medication.⁹ Although it is not documented in the chart, at the conclusion of this visit,
2 Respondent prescribed the patient 60 tablets of Norco¹⁰ 10/325 mg.¹¹

3 23. On or about April 20, 2017, Patient B presented to Respondent for a follow-up visit
4 During this visit, Respondent obtained the patient's vital signs and glucose value, but did not
5 document any subjective complaints, a physical evaluation, or a diagnosis. At the conclusion of
6 this visit, Respondent prescribed the patient 90 tablets of Norco 10/325 mg and 30 tablets of
7 diazepam¹² 10mg.

8 24. Between on or about April 20, 2017, and on or about September 30, 2019, Patient B
9 presented to Respondent for approximately sixteen (16) clinical visits. Throughout that time,
10 Respondent did not obtain a detailed history from Patient B, did not perform a focused physical
11 examination, did not elicit information from the patient regarding the cause, location, duration, or
12 nature of her pain, did not elicit information about the nature or frequency of her insomnia, did
13 not obtain any prior imaging or other treatment records, did not recommend non-pharmacologic
14 treatment modalities, did not offer or recommend safer alternatives to opioids and
15 benzodiazepines, did not document a discussion with the patient regarding the risks and benefits
16 of the use of opioids and benzodiazepines, did not refer the patient to any specialists, did not
17 assess the patient for drug addiction or aberrancy, did not perform a psychological evaluation, did
18 not complete an anxiety screening questionnaire, did not review CURES, did not provide dietary
19 counselling or education, did not obtain regular Hgb A1C checks, did not obtain cholesterol blood

20 _____
21 ⁹ At the subject interview on February 23, 2021, Respondent stated he was treating the
patient for back pain and insomnia.

22 ¹⁰ Norco (brand name for hydrocodone and acetaminophen) is an opioid combination
23 medication used for the treatment of pain. It is a Schedule III controlled substance pursuant to
24 Health and Safety Code section 11056, subdivision (e), and a dangerous drug pursuant to
Business and Professions Code section 4022.

25 ¹¹ The number and dosing of the prescribed medications was not identified in the patient's
26 chart at each visit. This information was obtained from CURES and original prescriptions.

27 ¹² Diazepam (brand name Valium) is a benzodiazepine medication used to treat anxiety. It
28 is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to Business and Professions Code section 4022.

1 testing, did not prescribe cholesterol medication, and did not perform an eye screening or foot
2 sensory examination.

3 25. On or about January 24, 2018, Patient B presented to Respondent for a follow-up
4 visit. During this visit, Respondent obtained the patient's vital signs and glucose value, but did
5 not document any subjective complaints, a physical evaluation, or a diagnosis. At the conclusion
6 of this visit, Respondent prescribed the patient 30 tablets of diazepam 10mg and 90 tablets of
7 oxycodone¹³ 30mg.

8 26. Between on or about January 24, 2018, and on or about April 29, 2019, Patient B
9 presented to Respondent for approximately twelve (12) clinical visits. Throughout that time;¹¹⁵
10 Respondent maintained the patient on her medication regimen of oxycodone and diazepam.

11 27. On or about June 26, 2019, Patient B presented to Respondent for a follow-up visit.
12 During this visit, Respondent obtained the patient's vital signs and glucose value, but did not
13 document any subjective complaints, a physical evaluation, or a diagnosis. At the conclusion of
14 this visit, Respondent prescribed the patient 90 tabs of oxycodone 30mg and an unknown amount
15 of gabapentin.¹⁴

16 28. On or about June 30, 2019, Respondent received a notification from Silver Script
17 alerting him that Patient B was receiving a potentially dangerous combination of gabapentin and
18 oxycodone.

19 29. Between on or about June 26, 2019, and on or about September 30, 2019, Patient B
20 presented to Respondent for approximately four (4) clinical visits. Throughout that time,
21 Respondent maintained the patient on her medication regimen of oxycodone and gabapentin.

22 30. Between on or about January 24, 2018, and on or about September 30, 2019,
23 Respondent maintained Patient B on a high narcotic dosage without performing or documenting a
24 functional assessment of the patient with a focus on analgesia, activities of daily living, adverse

25 _____
26 ¹³ Oxycodone (brand name Oxycontin) is an opioid medication used for the treatment of
27 pain. It is a Schedule II controlled substance pursuant to Health and Safety Code section 11055,
subdivision (b), and a dangerous drug pursuant to Business and Professions Code section 4022.

28 ¹⁴ Gabapentin is an anticonvulsant and nerve pain medication, and a dangerous drug
pursuant to Business and Professions Code section 4022.

1 effects of opiates, aberrant behaviors, or the patient's affect. Respondent did not have the patient
2 sign a pain management agreement, did not document a review of CURES, did not order any
3 urine screens to assess for aberrancy, and did not perform any pill counts. Respondent did not
4 identify any treatment goals, did not attempt to taper the patient's medications, and did not
5 prescribe naloxone.

6 31. Respondent committed gross negligence in his care and treatment of Patient B, which
7 included, but was not limited to, the following:

- 8 A. Failing to appropriately evaluate and manage the patient's chronic pain;
- 9 B. Failing to risk stratify the patient prior to initiating opiate therapy, and then
10 failing to properly monitor the patient's use of opiate pain medications, while
11 continuing to prescribe chronic opiate therapy;
- 12 C. Failing to appropriately manage the patient's diabetic care, including but not
13 limited to, failing to provide dietary counseling or education, failing to obtain
14 regular Hgb A1C check every 3-6 months, and failing to obtain eye screening
15 or feet sensory exams; and
- 16 D. Failing to maintain and securely store adequate and accurate records.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Repeated Negligent Acts)**

19 32. Respondent has further subjected his Physician's and Surgeon's Certificate No.
20 G 11503 to disciplinary action under sections 2227 and 2234, as defined by section 2234,
21 subdivision (c), of the Code, in that he committed repeated negligent acts in his care and
22 treatment of Patients A and B, as more particularly alleged hereinafter:

- 23 A. Paragraphs 9 through 31(D), above, are hereby incorporated by reference and
24 realleged as if fully set forth herein;
- 25 B. Prescribing Patient A lorazepam without indication, without an appropriate
26 evaluation, and without considering and recommending non-benzodiazepine
27 treatment;

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- 1 C. Prescribing Patient A an unsafe combination of opiate and benzodiazepine
- 2 medications without making attempts to taper and without prescribing
- 3 naloxone;
- 4 D. Prescribing methadone to Patient A without a documented assessment or
- 5 indication;
- 6 E. Prescribing Valium to Patient B without indication, without an appropriate
- 7 evaluation, and without considering and recommending non-benzodiazepine
- 8 treatment; and
- 9 F. Prescribing Patient B an unsafe combination of opiate and benzodiazepine
- 10 medications without making attempts to taper and without prescribing the
- 11 patient naloxone.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Failure to Maintain Adequate and Accurate Records)**

14 33. Respondent has further subjected his Physician's and Surgeon's Certificate No.
15 G 11503 to disciplinary action under sections 2227 and 2234, as defined by section 2266, of the
16 Code, in that Respondent failed to maintain adequate and accurate records regarding his care and
17 treatment of Patients A and B, as more particularly alleged in paragraphs 9 through 31(D), above,
18 which are hereby incorporated by reference and realleged as if fully set forth herein.

19 **FOURTH CAUSE FOR DISCIPLINE**

20 **(General Unprofessional Conduct)**

21 34. Respondent has further subjected his Physician's and Surgeon's Certificate No.
22 G 11503 to disciplinary action under sections 2227 and 2234 of the Code, in that he has engaged
23 in conduct which breaches the rules or ethical code of the medical profession, or conduct which is
24 unbecoming to a member in good standing of the medical profession, and which demonstrates an
25 unfitness to practice medicine, as more particularly alleged in paragraphs 9 through 33, above,
26 which are hereby incorporated by reference and realleged as if fully set forth herein.

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1 P R A Y E R

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

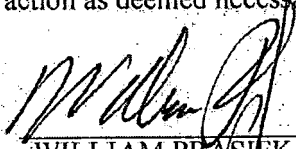
4 1. Revoking or suspending Physician's and Surgeon's Certificate No. G 11503, issued
5 to Respondent, David Brooks, M.D.;

6 2. Revoking, suspending or denying approval of Respondent, David Brooks, M.D.'s
7 authority to supervise physician assistants and advanced practice nurses;

8 3. Ordering Respondent, David Brooks, M.D., to pay the Board the costs of the
9 investigation and enforcement of this case, and if placed on probation, to pay the Board the costs
10 of probation monitoring; and

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

12
13 DATED: MAR 03 2022



14 WILLIAM PRASIFKA
15 Executive Director
16 Medical Board of California
17 Department of Consumer Affairs
18 State of California
19 Complainant
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