

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

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

**Ronald Paul Risley, M.D.**

**Physician's and Surgeon's  
Certificate No. A 63721**

**Respondent.**

**Case No. 800-2018-048920**

**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 14, 2022.**

**IT IS SO ORDERED September 7, 2022.**

**MEDICAL BOARD OF CALIFORNIA**

  
\_\_\_\_\_  
**William Prasifka  
Executive Director**

1 ROB BONTA  
Attorney General of California  
2 STEVEN D. MUNI  
Supervising Deputy Attorney General  
3 AARON L. LENT  
Deputy Attorney General  
4 State Bar No. 256857  
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8 *Attorneys for Complainant*

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

13 In the Matter of the First Amended Accusation  
Against:

14 **RONALD PAUL RISLEY, M.D.**  
15 **701 Howe Ave. Ste. H50**  
**Sacramento, CA 95825-4604**

16 **Physician's and Surgeon's Certificate**  
17 **No. A 63721,**

18 Respondent.

Case No. 800-2018-048920

OAH No. 2022010669

**STIPULATED SURRENDER OF**  
**LICENSE AND DISCIPLINARY ORDER**

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

22 **PARTIES**

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

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2. Ronald Paul Risley, M.D. (Respondent) is represented in this proceeding by attorney Dominique A. Pollara, whose address is: Pollara Law Group, 100 Howe Avenue, Suite 165N Sacramento, CA 95825.

3. On or about October 17, 1997, the Board issued Physician's and Surgeon's Certificate No. A 63721 to Ronald Paul Risley, 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 the First Amended Accusation No. 800-2018-048920 and will expire on January 31, 2023, unless renewed.

#### **JURISDICTION**

4. First Amended Accusation No. 800-2018-048920 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on September 30, 2021, as was the First Amended Accusation No. 800-2018-048920 on March 16, 2022. Respondent timely filed his Notice of Defense contesting the Accusation and First Amended Accusation.

5. A copy of the First Amended Accusation No. 800-2018-048920 is attached as Exhibit A and incorporated by reference.

#### **ADVISEMENT AND WAIVERS**

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in the First Amended Accusation No. 800-2018-048920. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Disciplinary Order.

7. Respondent is fully aware of his 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 him; the right to present evidence and to testify on his 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.

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

## CULPABILITY

9. Respondent understands and agrees that the charges and allegations in the First Amended Accusation No. 800-2018-048920, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

10. Respondent does not contest that, at an administrative hearing, Complainant could establish a *prima facie* case with respect to the charges and allegations contained in the First Amended Accusation No. 800-2018-048920 and that he has thereby subjected his license to disciplinary action.

11. Respondent agrees that if he ever petitions for early termination or modification of probation, or if an accusation and/or petition to revoke probation is filed against him before the Board, all of the charges and allegations contained in the First Amended Accusation No. 800-2018-048920 shall be deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any other licensing proceeding involving Respondent in the State of California.

12. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Physician's and Surgeon's Certificate without further process.

## RESERVATION

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

## CONTINGENCY

14. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by

1 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he  
2 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board  
3 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,  
4 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this  
5 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
6 be disqualified from further action by having considered this matter.

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

10 16. This Stipulated Surrender and Disciplinary Order is intended by the parties herein to  
11 be an integrated writing representing the complete, final, and exclusive embodiment of the  
12 agreements of the parties in the above-entitled matter.

13 17. The parties agree that copies of this Stipulated Surrender and Disciplinary Order,  
14 including copies of the signatures of the parties, may be used in lieu of original documents and  
15 signatures and, further, that such copies shall have the same force and effect as originals.

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

18 **ORDER**

19 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 63721, issued  
20 to Respondent Ronald Paul Risley, M.D., is surrendered and accepted by the Board.

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

25 2. Respondent shall lose all rights and privileges as a physician and surgeon in  
26 California as of the effective date of the Board's Decision and Order.

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

1           4.     If Respondent ever files an application for licensure or a petition for reinstatement in  
2 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
3 comply with all the laws, regulations and procedures for reinstatement of a revoked or  
4 surrendered license in effect at the time the petition is filed, and all of the charges and allegations  
5 contained in the First Amended Accusation No. 800-2018-048920 shall be deemed to be true,  
6 correct and admitted by Respondent when the Board determines whether to grant or deny the  
7 petition.

8           5.     Respondent shall pay the agency its costs of investigation and enforcement in the  
9 amount of \$5,301.25 prior to issuance of a new or reinstated license.

10          6.     If Respondent should ever apply or reapply for a new license or certification, or  
11 petition for reinstatement of a license, by any other health care licensing agency in the State of  
12 California, all of the charges and allegations contained in the First Amended Accusation, No.  
13 800-2018-048920 shall be deemed to be true, correct, and admitted by Respondent for the  
14 purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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1 ACCEPTANCE

2 I have carefully read the above Stipulated Surrender of License and Order and have fully  
3 discussed it with my attorney Dominique A. Pollara. I understand the stipulation and the effect it  
4 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of  
5 License and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound  
6 by the Decision and Order of the Medical Board of California.

7  
8 DATED: 30 Apr 22

  
9 RONALD PAUL RISLEY, M.D.  
Respondent

10 I concur that this Stipulated Surrender and Disciplinary Order accurately sets forth the  
11 agreement of the parties.

12 DATED: 4/30/22

  
13 DOMINIQUE A. POLLARA  
Attorney for Respondent


14 ENDORSEMENT

15  
16 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
17 for consideration by the Medical Board of California of the Department of Consumer Affairs.

18 DATED: 5/2/2022

Respectfully submitted,

19 ROB BONTA  
Attorney General of California  
20 STEVEN D. MUNI  
Supervising Deputy Attorney General

21   
22 AARON L. LENT  
Deputy Attorney General  
23 Attorneys for Complainant  
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**Exhibit A**

**First Amended Accusation No. 800-2018-048920**

1 ROB BONTA  
Attorney General of California  
2 STEVEN D. MUNI  
Supervising Deputy Attorney General  
3 AARON L. LENT  
Deputy Attorney General  
4 State Bar No. 256857  
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12 **STATE OF CALIFORNIA**

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15 **RONALD PAUL RISLEY, M.D.**  
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16 Sacramento, CA 95825-4604

17 **Physician's and Surgeon's Certificate**  
No. A 63721,

18 Respondent.

Case No. 800-2018-048920

OAH No. 2022010669

**FIRST AMENDED ACCUSATION**

19  
20  
21 **PARTIES**

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

25 2. On or about October 17, 1997, the Board issued Physician's and Surgeon's Certificate  
26 No. A 63721 to Ronald Paul Risley, M.D. (Respondent). The Physician's and Surgeon's  
27 Certificate was in full force and effect at all times relevant to the charges brought herein and will  
28 expire on January 31, 2023, unless renewed.

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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.

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1           6.     Section 2228.1 of the Code states, in pertinent part:

2           (a) On and after July 1, 2019, except as otherwise provided in subdivision (c),  
3           the board shall require a licensee to provide a separate disclosure that includes the  
4           licensee's probation status, the length of the probation, the probation end date, all  
5           practice restrictions placed on the licensee by the board, the board's telephone  
6           number, and an explanation of how the patient can find further information on the  
7           licensee's probation on the licensee's profile page on the board's online license  
8           information Internet Web site, to a patient or the patient's guardian or health care  
9           surrogate before the patient's first visit following the probationary order while the  
10          licensee is on probation pursuant to a probationary order made on and after July 1,  
11          2019, in any of the following circumstances:

12           (1) A final adjudication by the board following an administrative hearing or  
13          admitted findings or prima facie showing in a stipulated settlement establishing any  
14          of the following:

15           (A) The commission of any act of sexual abuse, misconduct, or relations with a  
16          patient or client as defined in Section 726 or 729.

17           (B) Drug or alcohol abuse directly resulting in harm to patients or the extent  
18          that such use impairs the ability of the licensee to practice safely.

19           (C) Criminal conviction directly involving harm to patient health.

20           (D) Inappropriate prescribing resulting in harm to patients and a probationary  
21          period of five years or more.

22           (2) An accusation or statement of issues alleged that the licensee committed any  
23          of the acts described in subparagraphs (A) to (D), inclusive, of paragraph (1), and a  
24          stipulated settlement based upon a nolo contendere or other similar compromise that  
25          does not include any prima facie showing or admission of guilt or fact but does  
26          include an express acknowledgment that the disclosure requirements of this section  
27          would serve to protect the public interest.

28           (b) A licensee required to provide a disclosure pursuant to subdivision (a) shall  
            obtain from the patient, or the patient's guardian or health care surrogate, a separate,  
            signed copy of that disclosure.

...

7.     Section 2242 of the Code states:

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

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

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

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

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

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

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

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

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

23 9. Section 4021 of the Code states: 'Controlled substance' means any substance listed in  
24 Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

25 10. Section 4022 of the Code states: 'Dangerous drug' or 'dangerous device' means any  
26 drug or device unsafe for self-use in humans or animals, and includes the following:

27 "(a) Any drug that bears the legend: 'Caution: federal law prohibits dispensing  
28 without prescription,' 'Rx only,' or words of similar import.

"...

"(c) Any other drug or device that by federal or state law can be lawfully dispensed  
only on prescription or furnished pursuant to Section 4006."

#### COST RECOVERY

11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
administrative law judge to direct a licensee found to have committed a violation or violations of  
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and

1 enforcement of the case, with failure of the licensee to comply subjecting the license to not being  
2 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
3 included in a stipulated settlement.

4 **PERTINENT DRUG INFORMATION**

5 12. Alprazolam – Generic name for Xanax. Alprazolam is a member of the  
6 benzodiazepine family and is a short-acting medication commonly used for the short-term  
7 management of anxiety disorders, specifically panic disorder or generalized anxiety disorder.  
8 Alprazolam is a Schedule IV controlled substance pursuant to Code of Federal Regulations Title  
9 21 section 1308.14(c) and Health and Safety Code section 11057, subdivision (d), and a  
10 dangerous drug pursuant to Business and Professions Code section 4022.

11 13. Aripiprazole – Generic name for the drug Abilify, among others. Aripiprazole is an  
12 atypical antipsychotic, primarily used in the treatment of schizophrenia and bipolar disorder.  
13 Other uses include as an add-on treatment in major depressive disorder, tic disorders, and  
14 irritability associated with autism. It is taken by mouth or injection into a muscle. Aripiprazole is  
15 a dangerous drug pursuant to California Business and Professions Code section 4022.

16 14. Buprenorphine – Generic name for Butrans, which is an opioid used to treat opioid  
17 addiction, moderate acute pain, and moderate chronic pain. When used in combination with  
18 naloxone for treating opioid addiction, it is known by the trade name Suboxone. Buprenorphine is  
19 a Schedule III controlled substance pursuant to Code of Federal Regulations Title 21 §1308.13(e).  
20 Buprenorphine is a dangerous drug pursuant to Business and Professions Code §4022.

21 15. Clonazepam – Generic name for the drug Klonopin. Clonazepam is an anti-anxiety  
22 medication in the benzodiazepine family used to prevent seizures, panic disorder, and akathisia.  
23 Clonazepam is a Schedule IV controlled substance pursuant to Code of Federal Regulations Title  
24 21 section 1308.14(c). It is also a Schedule IV controlled substance pursuant to Health and  
25 Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to Business and  
26 Professions Code section 4022.

27 16. Duloxetine – Generic name for Cymbalta. Duloxetine is a selective serotonin and  
28 norepinephrine reuptake inhibitor antidepressant (SSNRI) medication used to treat depression and

1 anxiety in addition to help relieve nerve pain (peripheral neuropathy) in people with fibromyalgia.  
2 It is a dangerous drug pursuant to Business and Professions Code section 4022.

3 17. Gabapentin – Generic name for Neurontin. Gabapentin is a medication used as an  
4 anticonvulsant and analgesic used to treat epilepsy. It is a dangerous drug pursuant to Business  
5 and Professions Code section 4022.

6 18. Hydrocodone with acetaminophen – Generic name for the drugs Vicodin, Norco, and  
7 Lortab. Hydrocodone with acetaminophen is classified as an opioid analgesic combination  
8 product used to treat moderate to moderately severe pain. Hydrocodone with acetaminophen is a  
9 Schedule II controlled substance pursuant to Code of Federal Regulations Title 21 section  
10 1308.12.<sup>2</sup> Hydrocodone with acetaminophen is a dangerous drug pursuant to California Business  
11 and Professions Code section 4022 and is a Schedule II controlled substance pursuant to  
12 California Health and Safety Code section 11055, subdivision (b).

13 19. Lorazepam – Generic name for Ativan. Lorazepam is a member of the  
14 benzodiazepine family and is a fast-acting anti-anxiety medication used for the short-term  
15 management of severe anxiety. Lorazepam is a Schedule IV controlled substance pursuant to  
16 Code of Federal Regulations Title 21 section 1308.14(c) and Health and Safety Code section  
17 11057, subdivision (d), and a dangerous drug pursuant to Business and Professions Code section  
18 4022.

19 20. Methadone – Generic name for the drug Symoron. Methadone is a synthetic opioid.  
20 It is used medically as an analgesic and a maintenance anti-addictive and reductive preparation  
21 for use by patients with opioid dependence. Methadone is a Schedule II controlled substance  
22 pursuant to Code of Federal Regulations Title 21 section 1308.12. It is a Schedule II controlled  
23 substance pursuant to Health and Safety Code 11055, subdivision (c), and a dangerous drug  
24 pursuant to Business and Professions Code section 4022.

25 21. Methadone hydrochloride – Generic name for the drugs Adanon, Althose, Dolophine,  
26 and Methadose. Methadone hydrochloride is a synthetic opioid with analgesic activity similar to

27 \_\_\_\_\_  
28 <sup>2</sup> Prior to October 6, 2014, hydrocodone with acetaminophen was a Schedule III  
controlled substance pursuant to Code of Federal Regulations Title 21 section 1308.13(e).

1 morphine and other morphine-like agents. Methadone mimics the actions of endogenous peptides  
2 at central nervous system (CNS) opioid receptors, primarily the mu receptor. Methadone is a  
3 Schedule II controlled substance pursuant to Code of Federal Regulations Title 21 section  
4 1308.12. It is a Schedule II controlled substance pursuant to Health and Safety Code 11055,  
5 subdivision (c), and a dangerous drug pursuant to Business and Professions Code section 4022.

6 22. Methylphenidate – Generic name for the drug Ritalin. Methylphenidate is a stimulant  
7 drug used to treat Attention deficit hyperactivity disorder (ADHD) and narcolepsy.

8 Methylphenidate is a Schedule II controlled substance pursuant to Code of Federal Regulations  
9 Title 21 section 1308. 12. Methylphenidate is a dangerous drug pursuant to Business and  
10 Professions Code section 4022 and is a Schedule II controlled substance pursuant to California  
11 Health and Safety Code section 11055 subdivision (d).

12 23. Morphine sulfate – Generic name for the drug MS Contin. Morphine is an opioid  
13 analgesic drug. It is the main psychoactive chemical in opium. Like other opioids, such as  
14 oxycodone, hydromorphone, and heroin, morphine acts directly on the central nervous system  
15 (CNS) to relieve pain. Morphine is a Schedule II controlled substance pursuant to Code of  
16 Federal Regulations Title 21 section 1308.12. Morphine is a Schedule II controlled substance  
17 pursuant to Health and Safety Code 11055, subdivision (b), and a dangerous drug pursuant to  
18 Business and Professions Code section 4022.

19 24. Oxycodone – Generic name for the drugs Roxicodone and Oxecta. Oxycodone has a  
20 high risk for addiction and dependency. It can cause respiratory distress and even death when  
21 taken in high doses or when combined with other substances, especially alcohol. Oxycodone is a  
22 short-acting opioid analgesic used to treat moderate to severe pain. Oxycodone can also come in a  
23 long-acting formulation known as Oxycontin-ER. This formulation allows for extended release of  
24 the medication. Oxycodone is a Schedule II controlled substance pursuant to Code of Federal  
25 Regulations Title 21 section 1308.12. Oxycodone is a dangerous drug pursuant to California  
26 Business and Professions Code section 4022, and is a Schedule II controlled substance pursuant  
27 to California Health and Safety Code section 11055 subdivision (b).

1       25. Oxycodone with acetaminophen— Generic name for the drugs Endocet and Percocet.  
2 It is an opioid analgesic combination product used to treat moderate to severe pain. Oxycodone  
3 with acetaminophen is a dangerous drug pursuant to California Business and Professions Code  
4 section 4022 and is a Schedule II controlled substance pursuant to California Health and Safety  
5 Code section 11055, subdivision (b).

6       26. Oxymorphone – Generic name for the drug Opana. Oxymorphone is a potent opioid  
7 analgesic drug with an abuse liability similar to morphine and other Schedule II opioids.  
8 Oxymorphone is a Schedule II controlled substance pursuant to Health and Safety Code section  
9 11055, subdivision (b), and a dangerous drug pursuant to Business and Professions Code section  
10 4022.

11       27. Sertraline – Generic name for the drug Zoloft. Sertraline is an antidepressant of the  
12 selective serotonin reuptake inhibitor (SSRI) class. It is used to treat major depressive disorder,  
13 obsessive– compulsive disorder, panic disorder, post-traumatic stress disorder, premenstrual  
14 dysphoric disorder, and social anxiety disorder. Sertraline is a dangerous drug, pursuant to  
15 Business and Professions Code, section 4022.

16       28. Tramadol – Generic name for name for the drug Ultram. Tramadol is an opioid pain  
17 medication used to treat moderate to moderately severe pain. Effective August 18, 2014, tramadol  
18 was placed into Schedule IV of the Controlled Substances Act pursuant to Code of Federal  
19 Regulations Title 21 section 1308.14(b). It is a dangerous drug pursuant to Business and  
20 Professions Code section 4022, and is a Schedule IV controlled substance pursuant to Health and  
21 Safety Code section 11057, subdivision (c).

22       29. Trazodone – Trazodone was an antidepressant medication used to treat major  
23 depressive disorder and anxiety disorder and is also used treat insomnia. Trazodone is a  
24 dangerous drug pursuant to Business and Professions Code section 4022.

25       30. Zolpidem tartrate – Generic name for the drug Ambien. Zolpidem tartrate is a  
26 sedative and hypnotic used for short-term treatment of insomnia. Zolpidem tartrate is a Schedule  
27 IV controlled substance pursuant to Code of Federal Regulations Title 21 section 1308.14(c). It is  
28

1 a Schedule IV controlled substance pursuant to Health and Safety Code section 11057,  
2 subdivision (d), and a dangerous drug pursuant to Business and Professions Code section 4022.

3 **FACTUAL ALLEGATIONS**

4 31. Respondent is a physician and surgeon, board certified in family medicine, who at all  
5 times relevant to the allegations brought herein worked within Sacramento County, California at  
6 Sacramento Medical Oasis, Inc.

7 **Patient 1**<sup>3</sup>

8 32. Patient 1, a 57-year-old female patient, had a prior documented history of a  
9 Schatzki's ring (scar tissue in the esophagus), heartburn, allergies, high cholesterol, menopause,  
10 fatty liver, chronic sinus issues, mitral regurgitation (an abnormal heart valve), pre-diabetes,  
11 chronic pain, insomnia, hypothyroidism, fibromyalgia, depression, Post-traumatic stress disorder  
12 (PTSD), herpes, and high blood pressure prior to becoming Respondent's patient on or about  
13 March 4, 2016. Patient 1 had also previously undergone surgeries that included right hip  
14 acetabuloplasty (arthroscopic surgery shaving away abnormal bone), hysterectomy, breast  
15 implants, left ovary removal, and leg surgery. Respondent treated Patient 1 at his private medical  
16 practice from approximately March 2016 until her death in November 2018. Between March  
17 2016 and her death in November 2018, Patient 1 continued to receive controlled substances as a  
18 result of Respondent's prescriptions following her last visit in September 2018.

19 33. On or about March 3, 2016, Respondent printed a CURES<sup>4</sup> report for Patient 1 which  
20 demonstrated Patient 1 received 30 Ambien CR at 12.5 mg per month from one physician.  
21 Another physician prescribed Xanax ER at 2 mg one a day, Xanax IR 1 mg at one a day, Norco  
22 10/325 at one to two per day, and methadone at 30 mg per day monthly from September 2015  
23 through December 2015, then 10 mg to 15 mg per day in January and February of 2016. This  
24

25 <sup>3</sup> To protect the privacy of the patients and witnesses involved, the patients and witnesses  
26 names were not included in this pleading. Respondent is aware of the identity of each patient and  
27 witness. All patients and witnesses will be fully identified in discovery.

28 <sup>4</sup> Controlled Substance Utilization Review and Evaluation System (CURES) is a database  
maintained by the California Department of Justice, which tracks all controlled drug prescriptions  
that are dispensed in the State of California.

1 equates to approximately 260 morphine milligram equivalents (MME)<sup>5</sup> per day while on the  
2 higher dose methadone and 280 MME while on the 15 mg per day dose. The CURES report also  
3 demonstrated Patient 1 had received one prescription for 90 tablets of tramadol from a physician  
4 on December 16, 2015.

5 34. During a July 8, 2021 interview with a Department of Consumer Affairs Health  
6 Quality Investigation Unit (HQIU) Investigator, Respondent was asked about calculating MME  
7 and written pain contracts with patients in his practice. Respondent stated he “generally does not”  
8 calculate MME and does not “do contracts with patients.” Respondent also claimed that he did  
9 not have Patient 1’s prior medical records available when he first began treating her in 2016.

10 35. On or about March 4, 2016, Patient 1 first saw Respondent to establish care and  
11 obtain prescription medication refills. Patient 1 had missed two previous appointments prior to  
12 this date and arrived late on March 4, 2016. Patient 1 reported taking levothyroxine (thyroid  
13 medication); atenolol-HCTZ for high blood pressure; trazodone at 50 mg three tablets in the  
14 evenings; methadone at 30 mg per day; Norco twice a day for anticipated hip and knee surgery;  
15 tramadol three times per day; Xanax at 1 mg and Xanax Extended Release at 2 mg; Valtrex  
16 (valacyclovir for viral infections such as herpes); Zoloft; and hormone patches. Patient 1 reported  
17 previously being on Abilify but discontinued use due to the side effects. Patient 1 also reported to  
18 Respondent that she had a history of depression, fibromyalgia, chronic insomnia, with an  
19 enlarged heart, and that she suffered from hip pain and was seeing an orthopedic surgeon for  
20 arthritis while seeing a psychiatrist and being prescribed sleep medications and tramadol. Patient  
21 1 disclosed smoking almost a pack of cigarettes per day while consuming a couple of alcoholic  
22 drinks throughout the week. Respondent conducted an examination of Patient 1 at this visit which  
23 was significant for normal vital signs and normal mental status exam; however, no examination  
24 was conducted as to Patient 1’s thyroid, heart, lungs, hips, back, or knees. Respondent diagnosed

25  
26 <sup>5</sup> Morphine Milligram Equivalents (“MME”) and Morphine Equivalent Dose (“MED”), is  
27 a numerical standard against which most opioids can be compared, yielding an apples-to-apples  
28 comparison of each medication’s potency. The California Medical Board Guidelines issued in  
November 2014 stated that physicians should proceed cautiously (yellow flag warning) once an  
MED reaches 80 mg per day. <https://www.mbc.ca.gov/Download/Publications/pain-guidelines.pdf> at page 17.

1 Patient 1 as having a "difficult childhood, multiple medication sensitivities, fibromyalgia, major  
2 depressive disorder, PTSD, bilateral hip osteoarthritis with marked chronic pain, moderate to  
3 severe insomnia" and ordered laboratory studies. Respondent renewed Patient 1's prescriptions  
4 for levothyroxine; atenolol/chlorthalidone; estradiol patch; 90 methadone at 10 mg; Valtrex; 60  
5 Norco at 10/325 mg; 30 Ambien at 12.5 mg; and he increased her trazodone from 150 mg to 200  
6 mg per night. Respondent documented in Patient 1's medical records discussing the risks of  
7 combining methadone with benzodiazepines, wherein Patient 1 chose to stop the Xanax and  
8 Respondent warned her about withdrawal symptoms. There is no indication in Patient 1's medical  
9 records of Respondent discussing or reviewing Patient 1's prior medical records or X-rays on this  
10 date.

11 36. On or about April 1, 2016, Patient 1 was seen by Respondent and she reported that  
12 her pain was "status quo, increasing..." that she had some panic attacks when she stopped taking  
13 Xanax, and was now smoking a pack of cigarettes per day. She told Respondent that she had tried  
14 nonsteroidal anti-inflammatory drugs (NSAIDs) in the past but they did not control her pain, so  
15 she was started on opioids. Patient 1 also reported taking Advil up to 800 mg per day and not  
16 having a bone density test or mammogram "in a while." She informed Respondent that the  
17 pharmacy "accidentally" filled a prior prescription for her Ambien from a different physician.  
18 Patient 1 requested referrals to a dermatologist and an OB/GYN from Respondent and wanted to  
19 "try Wellbutrin." Respondent performed a mental status evaluation with an assessment identical  
20 to the March 4, 2016 visit, but no other physical examination. There is no indication in Patient 1's  
21 medical records for this date of the previously ordered labs from March 4, 2016. Respondent  
22 refilled Patient 1's prescriptions for levothyroxine; atenolol/chlorthalidone; trazodone; estradiol  
23 patch; Valtrex; and zolpidem ER at the same doses for one month with a refill. Respondent  
24 increased Patient 1's prescription for methadone from 90 per month to 120 per month (40 mg per  
25 day) to be filled that date; continued Norco 10/325 at 60 per month; and added omeprazole  
26 (proton-pump inhibitor used to treat heartburn, a damaged esophagus, stomach ulcers, and  
27 gastroesophageal reflux disease) at 40 mg; and Wellbutrin SR 150 mg one every morning for  
28

1 smoking cessation.<sup>6</sup> On this same day, Respondent printed Patient 1's CURES report.

2 Approximately one week after this visit, Respondent refilled Patient 1's Zoloft prescription via  
3 the telephone.

4 37. On or about April 29, 2016, Patient 1 was seen by Respondent and reported that her  
5 pain was better, that the Wellbutrin was helping, but that she had not cut down on her smoking.  
6 Patient 1 did not complete the previously ordered laboratory studies. Respondent performed an  
7 examination and assessment similar to the previous visits and refilled Patient 1's medications,  
8 while adding an extra tablet of Wellbutrin XL 300 mg to the SR 150 mg.

9 38. On or about June 2, 2016, Patient 1 was seen by Respondent and she reported that her  
10 pain was a "little worse" and that she decreased her cigarette intake from 20 to 5 cigarettes per  
11 day. Patient 1 did not complete the previously ordered laboratory studies. Respondent performed  
12 an examination and assessment similar to the previous visits, reordered labs, and refilled her  
13 medications similar to her previous visit on April 29, 2016, while increasing her methadone  
14 prescription from 120 to 135 pills per month.<sup>7</sup> On this same day, Respondent printed Patient 1's  
15 CURES report. Respondent also referred Patient 1 to an orthopedic surgeon.

16 39. On or about June 28, 2016, Respondent's Physician Assistant refilled Patient 1's  
17 methadone and Norco by telephone, which were also refilled by Respondent by telephone on or  
18 about August 3, 2016. On or about August 3, 2016 and September 1, 2016, Respondent printed  
19 Patient 1's CURES reports.

20 40. On or about September 1, 2016, Patient 1 was seen by Respondent and she reported  
21 feeling better with some anxiety, but was still smoking 2-3 cigarettes per day and still had not  
22 completed the previously ordered laboratory studies. Patient 1 also told Respondent that she  
23 "tried taking extra methadone that was left over from her mother and found that she did well at  
24 30, 30, and 20 mg. Has been on that dose for 10 days without sedation." Respondent performed  
25 an examination and assessment similar to the previous visits without musculoskeletal or  
26 cardiovascular examinations, reordered labs again with an added urine toxicology, and refilled

27  
28 <sup>6</sup> This equates to an MME of 340 mg per day.

<sup>7</sup> This equates to an increase of Patient 1's MME to approximately 450 mg per day.

1 her medications while increasing Patient 1's methadone prescription from 135 to 240 pills per  
2 month.<sup>8</sup> Patient 1's urine toxicology study did not include testing for illicit substances, but did  
3 detect the presence of methadone and was negative for benzodiazepines.

4 41. During the July 8, 2021 interview, Respondent was asked why he increased Patient  
5 1's methadone from approximately 240 MME per day to approximately 1,000 MME per day in a  
6 6 month period, to which Respondent stated that he believed Patient 1's pain was not adequately  
7 controlled and that she had a progressive condition, specifically osteoarthritis of the hip.

8 42. On or about September 30, 2016, Patient 1 was seen by Respondent and she reported  
9 "feeling about the same...or better," but still had not completed the previously ordered blood  
10 work laboratory studies. Respondent performed an examination and assessment similar to the  
11 previous visits, except Respondent recorded no blood pressure in Patient 1's record. Respondent  
12 reordered labs again, refilled Patient 1's medications similar to her previous visit at the same  
13 dosages, and printed Patient 1's CURES report.

14 43. On or about November 3, 2016, Patient 1 arrived late to her appointment and was  
15 seen limping by Respondent, and reported her pain as an "8-9." Patient 1 had not completed the  
16 previously ordered laboratory studies, and there is no indication in Patient 1's medical records of  
17 the prior bone densitometry X-ray, mammogram, orthopedic surgery, OB/GYN, or dermatology  
18 referrals from April 1, 2016. Respondent performed an examination and assessment similar to the  
19 previous visits, reordered labs again, refilled her medications similar to her previous visit at the  
20 same dosages, and printed Patient 1's CURES report.

21 44. On or about December 1, 2016, Patient 1 was seen by Respondent and she reported  
22 feeling constantly depressed. Regarding her pain, Patient 1 told Respondent she did not feel good  
23 but did not want to increase her pain medications. Patient 1 also reported taking two hydrocodone  
24 at lunchtime and none at night, which she believed was helpful for her pain during the day.  
25 Patient 1 still had not completed the previously ordered blood work laboratory studies.  
26 Respondent performed an examination and assessment similar to the previous visits, reordered  
27 labs again, refilled her medications similar to her previous visit at the same dosages while

28 <sup>8</sup> This equates to an increase of Patient 1's MME to approximately 980 mg per day.

1 increasing her prescription for Norco from 60 to 90 per month, and advised her to stop taking the  
2 Valtrex.<sup>9</sup>

3 45. During the July 8, 2021 interview, Respondent was asked why Patient 1 increased her  
4 use of hydrocodone in December of 2016, to which Respondent stated that he believed Patient 1  
5 "was having more breakthrough pain due to progression of her disease."

6 46. On or about January 6, 2017, Patient 1 was seen by Respondent and she reported  
7 being in constant pain and in fear of addiction. She also reported taking some old oxycodone with  
8 methadone and stated that "I'm at the point where I have to think twice about getting up." Patient  
9 1 still had not completed the previously ordered blood work laboratory studies. Respondent  
10 performed an examination and assessment similar to the previous visits, again with only vital  
11 signs and a mental status examination. Respondent reordered labs again and refilled her  
12 medications similar to her previous visit at the same dosages, except he discontinued the Norco  
13 and started prescribing Percocet 10/325 mg at 90 per month.<sup>10</sup> Respondent noted in Patient 1's  
14 medical record on this date that she "would like to try something different, plus she is  
15 complaining of tinnitus...she would like to avoid acetaminophen." On or about January 3, 2017,  
16 Respondent printed Patient 1's CURES report.

17 47. During the July 8, 2021 interview, Respondent was asked about Patient 1 taking some  
18 old oxycodone based on the January 2017 visit, to which Respondent stated "she was still trying  
19 to titrate to an effective dose" and further stated that he did not believe at that time that Patient 1  
20 had an opioid use disorder.

21 48. On or about January 17, 2017, Respondent received a facsimile from Patient 1's  
22 medical insurance company, Blue Shield of California, advising Respondent that the methadone  
23 HCL 10 mg tablet prescribed to Patient 1 was not a covered benefit.

24 49. On or about February 2, 2017, Patient 1 was seen by Respondent and she reported  
25 "I'm feeling better. Taking two instead of one helps more." Respondent performed an  
26 examination and assessment similar to the previous visits, except Respondent recorded no blood  
27

28 <sup>9</sup> This equates to an increase of Patient 1's MME to approximately 990 mg per day.

<sup>10</sup> This equates to an increase of Patient 1's MME to approximately 1,035 mg per day.

1 pressure in Patient 1's record. Respondent refilled Patient 1's medications similar to her previous  
2 visit at the same dosages, with the exception of changing Percocet to oxycodone at 20 mg for 90  
3 tablets per month.<sup>11</sup>

4 50. On or about March 2, 2017, Respondent refilled Patient 1's medications by telephone  
5 and on March 17, 2012 he printed Patient 1's CURES reports.

6 51. On or about April 4, 2017, Patient 1 arrived late to her appointment and was seen by  
7 Respondent and she reported having a little more pain than usual, but overall reported that her  
8 pain control was better. Patient 1 also reported catching her 17-year-old nephew taking some of  
9 her medications. Patient 1 disclosed to Respondent her plan to begin kayaking. Patient 1 still had  
10 not completed the previously ordered laboratory studies. Respondent performed an examination  
11 and assessment similar to the previous visits without musculoskeletal or cardiovascular  
12 examinations, and refilled her medications similar to her previous visit.

13 52. On or about May 11, 2017, Patient 1 was seen by Respondent and she reported that  
14 she spoke with her sister regarding Patient 1's nephew taking her oxycodone. She also reported  
15 her pain was better. Respondent performed an examination and assessment similar to the previous  
16 visits and refilled her medications; however, there is no indication in Patient 1's medical records  
17 of any laboratory results or follow-up from the prior referrals. On or about June 22, 2017,  
18 Respondent refilled Patient 1's medications by telephone.

19 53. On or about June 30, 2017, Respondent received a facsimile letter from Patient 1's  
20 medical insurance requesting a review of Patient 1's narcotic analgesic prescriptions. The letter  
21 stated "our prescription claims history indicates your patient is using these prescription drugs in a  
22 manner inconsistent with safe or appropriate use as described in the drug package label, FDA  
23 guidance, and/or consensus guidelines."<sup>12</sup> There are notations encouraging referral to a pain  
24 specialist in patients requiring ongoing narcotic analgesics, and a note that high-dose opioids will  
25 not eliminate all chronic pain and will increase the risk of adverse effects and hyperalgesia. The  
26

27 <sup>11</sup> This equates to an increase of Patient 1's MME to approximately 1,080 mg per day.

28 <sup>12</sup> Attached to the letter facsimile is a portion of Patient 1's CURES report from 2016 through June 2017 identifying Respondent's prescribed medications to Patient 1 consisting of methadone HCL, oxycodone HCL, Norco, Ambien, and Percocet.

1 letter also expressed concern that the patient was taking the opioids in combination with a  
2 sedative/hypnotic.

3 54. Patient 1 missed her appointment with Respondent on or about July 26, 2017, but was  
4 seen by Respondent the following day. Patient 1 reported her hair was falling out, that the  
5 oxycodone made her feel tired and did not adjust her pain level so she had stopped taking it, and  
6 she was feeling uncomfortable and exhausted. Respondent noted discussing Patient 1's insurance  
7 company letter with Patient 1. Respondent performed an examination and assessment similar to  
8 the previous visits, except Respondent recorded no blood pressure in Patient 1's record.  
9 Respondent reordered labs which had yet to be done in the prior year, and refilled her medications  
10 similar to her previous visit. However, Respondent discontinued oxycodone and switched Patient  
11 1 to hydrocodone with acetaminophen, in addition to the 240 tablets per month of methadone.<sup>13</sup>  
12 Respondent ordered a urine toxicology screening, which was positive for methadone and  
13 oxycodone, as well as their metabolites, and negative for benzodiazepines and amphetamines.

14 55. Patient 1 missed her appointment with Respondent on or about August 25, 2017 due  
15 to the death of her mother. Respondent refilled Patient 1's medications by telephone on or about  
16 the same day.

17 56. On or about September 21, 2017, Patient 1 was seen by Respondent and she reported  
18 that she began smoking again, that her pain was "bad," that she had previously fallen down, that  
19 her hair was still falling out, and that she needed hip surgery even though she had yet to complete  
20 the ordered laboratory studies. Respondent performed an examination and assessment similar to  
21 the previous visits and noted that her blood pressure was 91/47. Respondent reordered labs again  
22 and refilled Patient 1's medications similar to her previous visit, including levothyroxine; 240  
23 methadone at 10 mg; 135 hydrocodone/acetaminophen at 10/325 mg; and 30 Ambien ER at 12.5  
24 mg. On or about the same day, Respondent printed Patient 1's CURES report.

25 57. Patient 1 missed her next appointment with Respondent on or about October 26,  
26 2017, but was seen by Respondent on or about November 2, 2017. Patient 1's chart notes

27 <sup>13</sup> Patient 1's CURES report for this time states that she filled 30 tablets of zolpidem at  
28 12.5 mg; 135 tablets of Norco 10/325 mg; and 240 tablets of methadone at 10 mg, which equates  
to an increase of Patient 1's MME to approximately 1,095 mg per day.

1 indicated that Patient 1 missed two appointments in the interim. Patient 1 reported feeling  
2 distraught and depressed due to repeatedly getting lost on the way to her appointment on this date,  
3 subsequently arriving 30 minutes late. She also reported stopping her Wellbutrin and that the high  
4 dose had made her jittery. Respondent performed an examination and assessment similar to the  
5 previous visits and noted Patient 1 continued smoking. Respondent refilled Patient 1's  
6 medications similar to her previous visit, but decreased her total Wellbutrin dose to XL 150 mg  
7 per day and added Abilify at 5 mg once per day.

8 58. During the July 8, 2021 interview, Respondent was asked about Patient 1 missing  
9 appointments and getting lost. Respondent stated that he was concerned she may have some  
10 cognitive impairment that "didn't seem likely to be due to her pain medication" but had  
11 personality pathology. Respondent never referred Patient 1 for an evaluation for possible  
12 dementia or other cognitive impairment.

13 59. On or about November 30, 2017, Patient 1 was seen by Respondent and she reported  
14 that she was feeling better despite not sleeping well, and reported her pain as a 6 out of 10. She  
15 also reported forgetting to begin the Abilify following the prior visit and she had just started it a  
16 few days prior. Patient 1 still had not completed the previously ordered laboratory studies.  
17 Respondent performed an examination and assessment similar to the previous visits, without  
18 examining Patient 1's hips, heart or extremities, and noted that her blood pressure was 107/69.  
19 Respondent refilled her medications similar to her previous visit, while changing her  
20 atenolol/chlorthalidone to chlorthalidone alone 25 mg one per day, "as her BP has been low but  
21 she gets swollen ankles if she stops the medication."

22 60. On or about December 28, 2017, Patient 1 was seen by Respondent and she reported  
23 that her pain was stable. Respondent performed an examination and assessment similar to the  
24 previous visits, without examining Patient 1's lungs, heart or extremities, and noted that her blood  
25 pressure was 149/98. Respondent reordered labs again and refilled Patient 1's medications similar  
26 to her previous visit at the same dosages, while increasing the Abilify from 5 mg to 10 mg.  
27  
28

1       61. Patient 1 missed her next appointment with Respondent on or about January 30, 2018,  
2 and was 15 minutes late to the following appointment with Respondent on or about February 15,  
3 2018. Consequently, Patient 1 was not seen on that date either.<sup>14</sup>

4       62. On or about February 15, 2018, Patient 1 had her laboratory studies completed, which  
5 were significant for HDL of 32, normal renal and hepatic function, hemoglobin A1c of 6.0%,  
6 TSH of 22mIU/L (normal 1-4), WBC 11.2 with elevated neutrophils, low FSH and LH, LDL 80,  
7 and low vitamin D of 12 ng/mL.

8       63. On or about April 13, 2018, Patient 1 called Respondent and stated that she would be  
9 late to her appointment and consequently her appointment was rescheduled for later that day.  
10 When Patient 1 arrived, she went to the bathroom for an extended period of time. Patient 1  
11 reported that her pain level had been "pretty high," that she was having swelling in her legs,  
12 which limited her walking distance, and that she had stopped taking Abilify. Respondent  
13 performed an examination and assessment similar to the previous visits and noted Patient 1  
14 reported feeling depressed and sad and that she didn't "want to do anything." Respondent  
15 increased Patient 1's thyroid medication, refilled her other medications, started her on vitamin D  
16 supplementation, ordered a chest x-ray, and advised her to re-check the thyroid level in 4-5  
17 weeks. There is no indication in Patient 1's medical records that Respondent addressed the pre-  
18 diabetes or elevated white blood cell count in Patient 1's February 15, 2018 laboratory studies.  
19 Respondent did make the notation in Patient 1's record that her low thyroid was likely  
20 "contributing to fluid in your lungs making it hard to breathe;" however, no lung or  
21 cardiovascular examination is documented in Patient 1's medical records. On or about the same  
22 day, Respondent printed Patient 1's CURES report.

23       64. Patient 1 missed her next appointment with Respondent on or about May 18, 2018,  
24 and reported to Respondent that she was going to the hospital because she "thought maybe she  
25 has pneumonia and might have had a stroke." Patient 1 also missed her subsequent appointment  
26 on or about May 22, 2018, and her chart notes that she never picked up the methadone and

27       <sup>14</sup> Per Patient 1's CURES report, she refilled her methadone and Norco prescriptions on  
28 January 5, 2018 and again on March 2, 2018. The only controlled substance filled in February  
2018 was Ambien.

1 hydrocodone prescriptions Respondent refilled from May 18, 2018. On or about May 24, 2018,  
2 Patient 1 contacted Respondent requesting refills of her prescription medications.

3 65. On or about May 22, 2018, Patient 1 was arrested for driving under the influence  
4 (DUI), being under the influence of narcotics, and possession of controlled substances by the  
5 Rancho Cordova Police Department<sup>15</sup> in violation of California Vehicle Code section 23152,  
6 subdivision (f), and Health and Safety Code sections 11550 and 11350. Patient 1 hit another  
7 vehicle at a slow speed while in an altered state. The police officers at the scene noted she had  
8 slow and slurred speech, kept nodding off, her eyes were droopy, and pupils were constricted.  
9 The police officers found hydrocodone, oxycodone, tramadol, methadone and, a herpes  
10 medication in the vehicle. Patient 1 stated that the tramadol was her deceased mother's and that  
11 she used the medication for herself every once in a while. During the July 8, 2021 interview,  
12 Respondent stated that Patient 1 informed him of the DUI on May 29, 2018 but claimed he was  
13 not aware that she was taking her mother's tramadol.

14 66. On or about June 5, 2018, Respondent ordered a chest X-ray of Patient 1 which  
15 revealed an opacity in the right upper lobe, right lower lobe infiltrate with effusion, ovoid opacity  
16 in the right lung base, vascular congestion, and peri-bronchial thickening. Respondent also  
17 ordered an MRI of the brain, which revealed a non-specific white matter disease. Laboratory  
18 studies done on or about June 2, 2018 revealed a TSH of 38 mIU/L, normal white cell count, and  
19 no anemia. There is no indication in Patient 1's medical records of the X-ray results nor any  
20 notation of whether Patient 1 went to the hospital for an evaluation after calling and expressing  
21 concern about a possible stroke on or about May 18, 2018.

22 67. On or about June 19, 2018, Patient 1 was seen by Respondent for a physical and she  
23 reported having worsening pain, which was now also in her back. She continued to feel  
24 congestion with deep breathing, trouble breathing when lying flat, episodes of breathlessness, and  
25 felt like her health had deteriorated in the last six months. Respondent performed an examination,  
26 which was significant for blood pressure at 124/77 with an elevated pulse of 118 bpm.  
27 Respondent also performed a mental status examination and for the first time a physical

28 <sup>15</sup> Rancho Cordova Police Department Case Report #18-171548.

1 examination, which was significant for clear lungs to auscultation with fullness in the right base  
2 with percussion. Patient 1 had a 3 out of 5 systolic murmur on her heart exam and had bilateral  
3 lower extremity edema 4+ to just below the knee with palpable pulses. Patient 1's neurologic  
4 exam was grossly normal and her pelvic examination was deferred. There is no indication in the  
5 medical records of a musculoskeletal examination being performed, other than Respondent noting  
6 a limited range of motion in Patient 1's neck and the patient reporting "I can hear a lot of  
7 crunching." Respondent's assessment was similar to previous visits and he continued her  
8 medications, ordered an echocardiogram, prescribed azithromycin antibiotic for 5 days, referred  
9 her to an orthopedic surgeon, and advised her to repeat her chest X-ray. Respondent noted in the  
10 medical records "consider starting slow taper after Ortho consult," and noted stopping tramadol  
11 and switching back to Norco for breakthrough pain as the tramadol was ineffective.<sup>16</sup> There is no  
12 indication in Patient 1's medical records that Respondent discussed other screening measures  
13 such as breast or colon cancer screening, lung cancer screening, vaccinations, or Hepatitis C  
14 screening, nor did he offer any diagnosis or intervention for the significant edema discovered in  
15 June 2018.

16 68. On or about July 17, 2018, Patient 1 was admitted to the hospital for frequent falls  
17 and shortness of breath. According to the history and physical notes, Patient 1 had an episode  
18 approximately eleven days prior when her friend found her at home with a bump on her head and  
19 two black eyes. Patient 1 was complaining of a lot of hip pain at the time and had fallen and hit  
20 her head. Blood work at that time was significant for extremely low sodium, low albumin, normal  
21 liver function tests, and TSH 5.85. Patient 1 had an elevated white blood cell count and was  
22 admitted for the shortness of breath, which was presumed to be due to fluid overload. She was  
23 treated with antibiotics and the diuretic Lasix. Respondent partially received these medical  
24 records on or about August 8, 2018 and was in communication with Patient 1 via email during  
25 this time. The hospital physicians recommended discontinuing methadone permanently, and on  
26 day seven of Patient 1's hospital stay, methadone was discontinued and her pain was controlled  
27 with hydrocodone alone.

28 <sup>16</sup> There is no indication in Patient 1's 2018 CURES reports of being prescribed tramadol.

1           69. On or about August 14, 2018, Patient 1 was seen by Respondent and she reported  
2 merely slipping and falling on a piece of paper that resulted in her July 17, 2018 hospital  
3 admission. She stated the pain was excruciating but now she was "back to normal." She had  
4 decided it was time for hip replacement and wanted a referral. She also reported starting back on  
5 methadone a few days prior. Respondent noted in Patient 1's medical records that he received  
6 only fragments of her discharge summary from her July 2018 hospitalization, but that Patient 1  
7 was told she had "unspecified psychosis" and may have had delirium due to the low sodium.  
8 Respondent performed an examination, which included vital signs significant for blood pressure  
9 119/77 and an elevated pulse of 119 bpm. Patient 1's mental status was essentially normal.  
10 Respondent's assessment was similar to prior visits and he did not include any of the new  
11 diagnoses from the July 2018 hospital stay. Respondent continued Patient 1's levothyroxine at  
12 300 mg; chlorthalidone; trazodone; estradiol patch; 210 methadone at 10 mg; 90 Vicodin at  
13 10/325 mg; 30 Ambien at 12.5 mg; Wellbutrin XL 150 mg; omeprazole; and sertraline at 100 mg.  
14 On or about August 23, 2018, Respondent refilled Patient 1's prescribed medication via telephone  
15 at dosages similar to prior to her July 2018 hospital stay.<sup>17</sup>

16           70. Patient 1 missed her next appointment with Respondent on or about September 11,  
17 2018, but was seen by Respondent on or about September 20, 2018. Patient 1 presented in a  
18 wheelchair and reported that she was having excruciating pain and was taking the "full dose" of  
19 her medications. She stated that the hospital wanted her to have her heart further evaluated and  
20 told Respondent that "the hospital wanted her to 'get a heart thing done to check it out.'"  
21 Respondent performed an examination, which was significant for a blood pressure reading  
22 elevated at 151/98, with pulse of 112 bpm. Besides conducting a mental status exam, which noted  
23 the patient was in the wheelchair and otherwise normal, no further examinations were done.  
24 Respondent ordered laboratory studies, renewed all of Patient 1's medications at the same doses  
25 as prior to the hospitalization, refilled her methadone and Norco, and ordered repeat lab studies.  
26 There is no indication in the medical records of any further cardiac or pulmonary evaluations.

27           <sup>17</sup> Review of Patient 1's CURES report printed by the Respondent on August 14, 2018  
28 demonstrates Patient 1 received Methadone and Norco prescriptions on June 1, 2018 and July 18,  
2018 (while she was hospitalized) and again on September 20, 2018.

1 Patient 1 missed her subsequently scheduled appointment with Respondent on or about October  
2 18, 2018.

3 71. On or about September 20, 2018, Respondent authored a letter to the pharmacist  
4 stating that Patient 1 had been seen in his practice since March 2016 and that she is a candidate  
5 for hip replacement surgery. The letter notes Patient 1 was reluctant to have surgery for years and  
6 was "able to maintain her quality of life for opioid pain management." Respondent planned to  
7 continue to manage her pain with the methadone and Norco until she could receive hip  
8 replacement surgery. Respondent stated he monitored his patients who received opioids closely  
9 and has extensive experience using methadone in treating both opioid misuse and dependence.  
10 Respondent noted that Patient 1's treatment was medically necessary to preserve the patient's  
11 health and ability to function.

12 72. On or about November 9, 2018, Patient 1 died at the age of 60 years old. The  
13 Coroner's Report noted she was found deceased in her home with approximately thirty-two (32)  
14 prescription medication bottles near her and in the room. The toxicology screening of Patient 1  
15 revealed caffeine, zolpidem, trazodone and metabolites of trazodone, bupropion, and sertraline in  
16 her serum. The final cause of death was determined to be Coronary Artery Atherosclerosis and  
17 Cardiomegaly.

18 **Patient 2**

19 73. Patient 2, a 32-year-old female patient, who Respondent initially treated at the Bi-  
20 Valley Medical Clinic and thereafter, first presented to his private practice on or about September  
21 28, 2016. At the time, Patient 2 was on methadone for opioid use disorder and not pain  
22 management. Patient 2 had been seeing a psychiatrist and had recently been diagnosed with  
23 cervical and uterine cancer, as well as an abdominal hernia. Patient 2 had a long history of  
24 anxiety, PTSD, and had been on the benzodiazepine Klonopin. She had a traumatic childhood  
25 with her father being a methamphetamine dealer while her mother was an alcoholic. Patient 2  
26 began taking Vicodin at age 18 for scoliosis and reported currently taking 105 mg per day of  
27 methadone, via a methadone clinic, while trying to taper by 10 mg every two weeks. She also  
28 reported being a rapid metabolizer and she had been on upwards of 450 mg of methadone per day

1 in the past. Patient 2 also reported being on gabapentin and other prescription medications that  
2 included clonazepam at 2 mg three per day and gabapentin 300 mg three per day. Respondent  
3 performed a physical examination of Patient 2, which included normal vital signs and an  
4 extensive mental status examination. Respondent diagnosed Patient 2 with PTSD, anxiety,  
5 depression, opioid dependence in long-term full remission on methadone, and cervical and  
6 endometrial cancer. Respondent prescribed 90 tablets of clonazepam at 2 mg, one tablet three  
7 times per day; 90 tablets of gabapentin at 300 mg, one tablet three times a day; and 30 tablets of  
8 duloxetine at 30 mg, one tablet nightly. On or about October 27, 2016, Respondent printed a  
9 CURES report for Patient 2 which demonstrated Patient 2 received 30 tablets of Norco at 10/325  
10 mg per month from another physician in May, June, August, September and October of 2016, as  
11 well as 90 tablets of clonazepam at 2 mg from Respondent per month. The CURES reports also  
12 evidenced Patient 2 received 150 tablets of oxycodone at 10 mg from her oncologist on October  
13 19, 2016.

14 74. On or about October 27, 2016, Patient 2 was seen by Respondent and presented using  
15 a walker due to having been recently hospitalized for a hysterectomy and hernia repair. She  
16 reported a pain level of 8 out of 10 and was on hydrocodone 10 mg, twice a day, as well as  
17 oxycodone 10 mg; 2-4 tablets every 4 hours from her gynecologic oncologist. Patient 2 reported  
18 being on hydromorphone, ketamine, and oxycodone during her hospital stay. She also reported  
19 that the hospital physicians wanted to increase her methadone from 80 mg to 120 mg but she  
20 refused. Respondent performed a physical examination of Patient 2 including normal vital signs  
21 and an extensive mental status exam with no other physical. Respondent's assessment of Patient 2  
22 included "PTSD, anxiety, depression, opioid dependence and long-term full remission on  
23 methadone, cervical and endometrial cancer likely Stage I now postop from hysterectomy and  
24 hernia repair, ovaries intact." Respondent refilled Patient 2's clonazepam and gabapentin and  
25 increased her duloxetine to 60 mg, and noted that Patient 2's other physician "seems  
26 uncomfortable continuing [the hydrocodone]," but the patient felt it was helping even though she  
27 was already on high-dose oxycodone and her surgeon was managing her post-operative pain at  
28 that time.

1           75. On or about November 4, 2016, Respondent received a facsimile from Patient 2's  
2 oncologist describing her surgical and post-operative course. The facsimile included notations  
3 that Patient 2 had chronic pelvic pain, a history of chronic back pain from scoliosis, and history of  
4 "opioid addiction." She was discharged on methadone at 90 mg daily; Tylenol; gabapentin at 300  
5 mg, three times a day; ibuprofen at 800 mg, three times a day; and oxycodone at 10 mg, 2-4  
6 tablets every 4 hours. Her physical examination at the follow-up visit on October 26, 2016 with a  
7 mid-level of her oncologist was essentially normal, and the provider noted "pain was not  
8 unanticipated and will continue to improve over the following weeks."

9           76. Patient 2 was treated by Respondent until her death on August 18, 2019. Patient 2's  
10 death was due to respiratory failure, pulmonary hypertension, and metastatic carcinoma of the  
11 lung with history of uterine cancer at the age of 35 years old. A review of Patient 2's CURES  
12 reports from November 2016 through August 2019 evidence Respondent prescribing 180 tablets  
13 of 30 mg oxycodone on or about November 10, December 2, and December 29 of 2016.<sup>18</sup> On or  
14 about January 16, 2017 and then monthly through April 2018, that oxycodone prescription rose to  
15 210 tablets per month.<sup>19</sup> From May 2018 through August 2019 Patient 2's oxycodone  
16 prescription from Respondent went back to 180 tablets per month. Simultaneously, Respondent  
17 prescribed Patient 2 60 tablets per month of MS Contin at 60 mg from December 2016 through  
18 August 2019;<sup>20</sup> 90 tablets per month of clonazepam at 2 mg from November 2016 through  
19 August 2019 for anxiety; and 120 tablets per month of Norco at 10/325 mg on or about November  
20 22, 2016. This equates to an approximate MME of 390 to 435 mg per day from November 2016  
21 through August 2019, not including Patient 2's methadone which was not indicated on Patient 2's  
22 CURES reports when it was dispensed by the Methadone clinic.<sup>21</sup> During the July 8, 2021  
23 interview, Respondent stated that he did not significantly taper Patient 2's medications because  
24 she "continued to have severe pain." Patient 2's records do not indicate Respondent  
25

26           <sup>18</sup> This equates to approximately MME 270 mg per day.

27           <sup>19</sup> This equates to approximately MME 315 mg per day.

28           <sup>20</sup> This equates to approximately MME 120 mg per day.

<sup>21</sup> If Patient 2 was on approximately 110 mg of methadone as reported in her medical  
notes, this would equate to an additional 1,000-1,300 MME per day of opioids.

1 recommended alternatives or adjuncts to these opioid prescriptions, even when Patient 2 asked to  
2 be switched to the safer alternative Suboxone on or about April 21, 2017.

3 77. On or about November 10, 2016, Respondent printed Patient 2's CURES report  
4 which demonstrated the prior oxycodone refill from Patient 2's oncologist was on October 19,  
5 2016 for 150 tablets per month of hydrocodone at 10 mg, and prior to that, Patient 2 only had 60  
6 tablets of hydrocodone at 10 mg per month. This denotes an increase from 20 MME per day  
7 while on the hydrocodone, to 75 MME per day while on the 10 mg oxycodone from Patient 2's  
8 oncologist, to 270 MME per day while on the 30 mg of oxycodone from Respondent. Another  
9 CURES report was printed by Respondent on November 22, 2016 that demonstrated Patient 2  
10 received 100 tablets of oxycodone 10 mg prescriptions from her oncologist on November 8, 2016  
11 and 150 tablets on November 3, 2016.

12 78. Subsequent to Patient 2's hospitalization for her hysterectomy and hernia repair,  
13 Respondent prescribed high-dose opioids for the patient for post-operative pain, and never once  
14 documented a pelvic or abdominal physical examination other than noting occasional distention  
15 in Patient 2's medical records. Respondent ordered an ultrasound in May 2017 which was normal,  
16 and an MRI which was never completed. Other than the November 4, 2016 facsimile Respondent  
17 received after Patient 2's surgery, there is no documentation that Respondent communicated with  
18 the patient's gynecology or gastroenterology specialists, nor obtained further medical records.

19 79. While Respondent prescribed 90 tablets of clonazepam at 2 mg per month from  
20 November 2016 through August 2019, Respondent also prescribed combinations of gabapentin  
21 and multiple opioids such as methadone, oxycodone, MS Contin and Norco, without reducing  
22 Patient 2's benzodiazepine dosage or indicating in Patient 2's records consideration of a safer  
23 alternative.

24 80. On or about March 14, 2017, Patient 2 was seen by Respondent and reported going to  
25 the methadone clinic and obtaining 30 days of daily dosing of methadone. At that visit,  
26 Respondent had Patient 2 sign a consent page titled "Opiates and Benzodiazepines: Lethal  
27 interaction" regarding the dangers of combining painkillers and anti-anxiety drugs.  
28

1       81. During the period of September 28, 2016 to June 7, 2019, Respondent saw Patient 2  
2 for monthly follow-up visits, where Patient 2 missed appointments in December 2016 and  
3 February 2017. At these visits, Respondent documented identical physical examinations that  
4 included only findings as to Patient 2's vital signs and mental status. These physical examinations  
5 did not document detailed descriptions of where Patient 2's pain was located, the severity of the  
6 pain, or a demonstrable worsening of Patient 2's disease that would dictate a continued period of  
7 increased MME's.

8       82. During the period of September 28, 2016 to June 7, 2019, Respondent's assessments  
9 of Patient 2 in the medical records remained similar to the initial September 28, 2016 visit, with  
10 the exceptions of November 22, 2016, when Respondent added that Patient 2 was "having severe  
11 pain in other postop problems; still followed by UCSF surgeon but I am managing her opioids,"  
12 and on May 8, 2018, when Respondent added "we're beginning taper of pain medication May  
13 2018," followed by Respondent decreasing her oxycodone quantity from 210 per month to 180  
14 tablets per month.

15       83. During the period of September 28, 2016 to June 7, 2019, Patient 2's medical records  
16 also do not indicate any direct communication between Respondent and any of Patient 2's other  
17 medical providers or the methadone clinic Patient 2 frequented. Nor did Respondent consistently  
18 track Patient 2's methadone intake in her medical records from the methadone clinic despite  
19 Patient 2's record indicating she was still taking methadone between September 2016 and June  
20 2019,<sup>22</sup> or that she claimed she tested positive for amphetamines at the clinic in May 2018.

21       84. On or about September 4, 2018, Respondent authored a letter to a pharmacist stating  
22 that Patient 2 was being seen at the methadone clinic weekly.

23       85. During the July 8, 2021 interview, Respondent stated he knew that the methadone  
24 clinic was doing routine testing and they would "let him know" if there were any aberrancies;  
25 however, there is no indication in Patient 2's medical records whether Respondent corroborated  
26 whether Patient 2 was actually still being seen at the methadone clinic, and there is no

27       <sup>22</sup> During Patient 2's visit with Respondent on or about August 22, 2018, Patient 2 was  
28 seen by Respondent and reported she was continually being seen at the Methadone clinic and was  
taking 105 mg of methadone per day at the time; equivalent to over 1,000 MME per day.

1 documentation that Respondent was notified when Patient 2 reportedly tested positive for  
2 amphetamines on May 8, 2018, other than Patient 2's self-reporting that it was due to Sudafed.  
3 There is no indication in Patient 2's medical records that Respondent ever ordered a urine  
4 toxicology screening for Patient 2 at any time.

5 **Patient 3**

6 86. Patient 3, a 73-year-old male, had a prior documented history of PTSD,  
7 hyperlipidemia, hypertension, phlebitis, GERD, thoracic disc disease, obesity hypoventilation  
8 syndrome, anxiety, chronic pain, history of osteomyelitis, insomnia, and panic attacks prior to  
9 becoming Respondent's patient on or about January 19, 2016. He had also previously undergone  
10 surgeries that included a tonsillectomy and prior sigmoidoscopy. Patient 3 had been prescribed  
11 aspirin, alendronate (Fosamax), escitalopram (Lexapro),<sup>23</sup> hydrocodone with acetaminophen  
12 (Norco) at 10/325 mg, Lidoderm patches, lisinopril at 5 mg, lorazepam (Ativan) at 1 mg,  
13 pantoprazole (Protonix), and pravastatin. During the July 8, 2021 interview, Respondent stated  
14 that he was unaware of Patient 3's diagnosis of obesity hypoventilation syndrome and did not  
15 recall if Patient 3 was using a continuous positive airway pressure (CPAP) machine.

16 87. On or about January 19, 2016, Patient 3 was initially seen by Respondent and he  
17 reported taking 4 mg of lorazepam for panic attacks and hydrocodone for daily pain. He stated no  
18 one had ever discussed with him the risk of respiratory depression with his medications,  
19 especially the combination of benzodiazepines and opioids. He reported low energy and trouble  
20 concentrating with some suicidal thoughts. Patient 3 also reported being on trazodone and  
21 Ambien in the past with poor results. Past medical history was reported as obesity and leg venous  
22 insufficiency. Respondent performed an examination of Patient 3, which was significant for the  
23 absence of vital signs or other physical details other than a detailed mental status examination.  
24 Respondent's assessment of Patient 3 was PTSD with severe chronic pain following osteomyelitis  
25 of his right foot, and ankle, and spine. Respondent prescribed 120 tablets of lorazepam at 2 mg

26  
27 <sup>23</sup> Lexapro (escitalopram) is an antidepressant in a group of drugs called selective  
28 serotonin reuptake inhibitors (SSRIs). Escitalopram affects chemicals in the brain that may be  
unbalanced in people with depression or anxiety.

1 (8mg per day), 240 tablets of Norco at 10/325 mg, and 60 tablets of MS Contin 30 mg 1 tablet  
2 twice a day.<sup>24</sup> Respondent also documented an extensive discussion regarding the risks of  
3 opioids, including respiratory depression, and his plan was to have the patient on a scheduled  
4 benzodiazepine dosing "time to coincide last toxically with opioid dosing." On the same day,  
5 Respondent printed Patient 3's CURES report that demonstrated Patient 3 was receiving 240  
6 tablets of Norco at 10/325 mg, as well as 120 tablets of lorazepam at 1 mg, from a previous  
7 medical provider.<sup>25</sup>

8 88. On or about January 20, 2016, Respondent sent Patient 3 a lengthy email message  
9 which stated that the medications were risky and included a high potential for death. Respondent  
10 also noted that "I also have a hidden, selfish agenda which is to make sure that I treat you in a  
11 way that makes it apparent to regulators that we are all acting in good faith to treat your medical  
12 condition, not feeding an underground drug market." Respondent recommended starting the MS  
13 Contin and prescribed the full dose of Norco "because I do not want you to have to deal with  
14 anxiety around what will happen if you do not tolerate the MS Contin or it is too expensive or  
15 anything like that." Respondent recommended taking the MS Contin doses 12 hours apart, the  
16 lorazepam doses about 8 hours apart, and to "work out a schedule that puts 2 hours between MS  
17 Contin doses and lorazepam doses."

18 89. On or about March 2, 2016, Patient 3 was seen by Respondent and he reported "my  
19 pain is fine... I do not really have joint pain complaints" and that he was taking approximately 5  
20 hydrocodone per day, in addition to the MS Contin. Patient 3's wife reported to Respondent that  
21 she was concerned that the morphine dosage was too high and that Patient 3 seemed more  
22 confused and had an episode where he got his pills mixed up. Respondent performed a physical  
23 exam of Patient 3 which was notable for a blood pressure reading 133/82 and a BMI of 41. Again,  
24 there was no physical examination other than a detailed mental status exam. Respondent's  
25 assessment was identical to the previous visits and Respondent prescribed 120 tablets of  
26

27 <sup>24</sup> This equates to approximately MME 140 mg per day.

28 <sup>25</sup> This equates to approximately MME 80 mg per day.

1 lorazepam at 2 mg, 180 tablets of Norco, and 60 tablets of MS Contin, which he increased from  
2 30 mg to 60 mg/tab.<sup>26</sup>

3 90. On or about April 21, 2016, Patient 3 was seen by Respondent and he reported less  
4 pain and he stated he wanted to continue the current dose for another month prior to dropping the  
5 Norco. Patient 3 also reported not sleeping well and the he had taken Ambien in the past but had  
6 some paranoia with it previously. He also reported taking trazodone in the past. Respondent  
7 performed a physical exam of Patient 3, which was significant for an elevated blood pressure  
8 reading 152/80 and a BMI that was down to 39. There was no other physical examination noted  
9 other than vital signs. Respondent's assessment included the statement "his overall level of  
10 function and overall opioid dose both seem to be improving with rational pain management."  
11 Respondent renewed the similar controlled substances at the same doses as the previous visit and  
12 added oral trazodone at 50 mg at night for insomnia.

13 91. On or about May 19, 2016, Patient 3 was seen by Respondent and he reported taking  
14 two trazodone for sleep and also using it as needed for anxiety attacks. Patient 3 did not think he  
15 could function at all without his medication. Respondent performed a physical examination of  
16 Patient 3 which included only vital signs and a mental status exam. Respondent's assessment was  
17 repeated verbatim from the prior visit. Respondent continued the same controlled substance  
18 regimen as before, increased the trazodone to 100 mg, and advised Patient 3 to continue the  
19 lorazepam "separating doses from opioids." A drug test was performed on that date, which was  
20 positive for hydrocodone, morphine, and lorazepam.

21 92. On or about July 14, 2016, Patient 3 was seen by Respondent and he reported he was  
22 doing well but he was sleeping a lot. Respondent performed a physical examination of Patient 3  
23 where vital signs were noted, as well as an extensive mental status exam. Respondent's  
24 assessment was repeated verbatim from the prior visit. Respondent refilled Patient 3's 120 tablets  
25 of lorazepam with 2 refills and gave 3 prescriptions each of 180 tablets of Norco at 10 mg and 60  
26 tablets of MS Contin at 60 mg.

27  
28 <sup>26</sup> This equates to approximately MME 180 mg per day.

1        93. On or about September 8, 2016, Patient 3 was seen by Respondent and presented with  
2 bilateral black eyes and a bandage on his nose reporting that he "got his foot under a throw rug  
3 and fell." He also reported his pain management was "good" but he still had some anxiety in  
4 addition to some incontinence issues. Patient 3's wife reported to Respondent that Patient 3 was  
5 having more difficulty with balance. Respondent performed a physical examination of Patient 3  
6 where his vital signs were normal, other than a BMI of 38, and a mental status exam was again  
7 noted. Respondent documented an "abbreviated neuro exam was notable for mild to moderate  
8 cogwheel rigidity in the upper extremity with distraction." Respondent's assessment was repeated  
9 from Patient 3's prior visits. Respondent refilled Patient 3's lorazepam, Norco, trazodone, and  
10 MS Contin which were continued at the same dosages and refilled for two months.

11        94. On or about December 1, 2016, Patient 3 was seen by Respondent and reported he  
12 was on antibiotics due to an infection in his leg and had undergone an MRI which "showed some  
13 deterioration." Patient 3 also reported being placed on donepezil (Aricept; typically used for  
14 dementia) but got a rash so he stopped it. Respondent performed a physical examination of  
15 Patient 3 where his vital signs were normal and a mental status exam was noted. Respondent's  
16 assessment was repeated again verbatim from prior visits and Patient 3's medications were again  
17 refilled at the same dosages for 3 months. There was no other discussion regarding the neurology  
18 visit and no consultation notes included in Patient 3's medical record.

19        95. On or about February 23, 2017, Patient 3 was seen by Respondent and reported doing  
20 well and that his memory "is about where it has been." Respondent performed a physical  
21 examination of Patient 3 where his vital signs were noted and his BMI was 37. Patient's 3 mental  
22 status exam was again extensive with no other physical examination. Respondent's assessment  
23 was repeated verbatim and the medications again refilled for 3 months at the same dosages. There  
24 was a signed consent titled "opiates and benzodiazepines: Lethal interaction" which delineated  
25 the black box warning and concerns about respiratory depression with the combination of  
26 benzodiazepines and opioids signed by the patient on that date.

27        96. On or about May 16, 2017, Patient 3 was last seen by Respondent where Respondent  
28 performed a physical examination of Patient 3 that was unremarkable other than an elevated

1 blood pressure of 151/86. Respondent refilled Patient 3's medications again at the same dosages  
2 for three months. Patient 3's medical records included a chart notation from a provider at UC  
3 Davis Health system, dated August 8, 2017. At this visit, his pulse ox was 80% and his pulse was  
4 103 bpm and there was a notation to stop his lorazepam and to follow-up in 2018.

5 97. On or about August 20, 2017, Respondent received an email message from Patient  
6 3's wife stating that Patient 3 took some medication the previous night and never woke up.  
7 Patient 3 died on August 19, 2017 at the age of 74. The cause of death listed on Patient 3's Death  
8 Certificate was Acute Hypoxic Respiratory Failure, long-acting morphine and benzodiazepine  
9 narcotic overdose, and methicillin resistant staphylococcus aureus bacterial infection-etiology  
10 unknown. Under the other significant conditions contributing to Patient 3's death listed on his  
11 Death Certificate were end stage Alzheimer's disease, morbid obesity, and chronic pain.

12 98. A review of Patient 3's CURES reports from January 2016 through August 2017  
13 evidence Respondent prescribing 180 tablets per month of Norco at 10/325 mg from March 2016  
14 through August 2017,<sup>27</sup> 60 tablets per month of MS Contin at 60 mg from March 2016 through  
15 August 2017,<sup>28</sup> and 120 tablets per month of lorazepam at 2 mg from March 2016 through August  
16 2017. CURES reports printed at each of the visits with Respondent demonstrated Respondent was  
17 the only prescriber of any controlled substances during this time period. There is no indication in  
18 Patient 3's medical records of any X-rays, laboratory reports, or other consultations or referrals,  
19 other than the two noted above.

#### 20 **Patient 4**

21 99. Patient 4, a 29-year-old male patient, first presented and was treated by Respondent in  
22 May 2011<sup>29</sup> until his death in August 2017. Patient 4 had a medical history significant for  
23 traumatic brain injury, bipolar disorder, panic disorder, frontal disinhibition, and chronic pain  
24 following a motorcycle accident. When Patient 4 was seen by Respondent on or about December

25  
26 <sup>27</sup> This equates to approximately MME 60 mg per day.

27 <sup>28</sup> This equates to approximately MME 120 mg per day.

28 <sup>29</sup> Conduct alleged to have occurred before October 4, 2014, is for informational purposes  
only. That said, errors or omissions that occurred before October 4, 2014, which led to a  
continuing course of conduct that resulted in errors and omissions after October 4, 2014, are  
being alleged as a basis for discipline.

1 15, 2011, he reported feeling decent and was taking Seroquel (quetiapine) and clonazepam while  
2 continuing to have anxiety attacks, and was taking MS Contin while reporting his pain level was  
3 around a 7.5 out of 10. Respondent's physical examination of Patient 4 included only normal vital  
4 signs and an extensive mental status exam. Respondent's assessment noted "a pleasant young  
5 man with chronic pain following a motorcycle accident, bipolar disorder, and anxiety, endorsing a  
6 history of ADHD. Markedly improved from an acute manic episode after starting high-dose  
7 Seroquel." Respondent noted in the problem list of Patient 4's medical record as having "chronic  
8 shoulder, neck, and back pain; bipolar moods, anxiety." Respondent renewed Patient 4's  
9 prescriptions for 300 tablets of Seroquel XR 300 mg 2 for 1 year, 90 tablets of Norco at 10/325  
10 mg, 60 tablets of MS Contin at 60 mg 1 every 12 hours, and 60 tablets of clonazepam at 2 mg 1  
11 twice daily.<sup>30</sup>

12 100. A review of Patient 4's medical records from on or about February 2012 through  
13 March 2012 evidence Respondent refilling Patient 4's medications while increasing Patient 4's  
14 prescription for MS Contin from 120 mg per day to 150 mg, increasing his clonazepam from 60  
15 tablets per month to 65, and adding omeprazole and ibuprofen 800 mg 3 times a day for 10 days.  
16 On or about March 8, 2012, Respondent began prescribing 60 tablets of alprazolam per month in  
17 addition to the Seroquel, decreased the MS Contin to 120 mg per day, and continued the Norco  
18 while discontinuing the ibuprofen and omeprazole.

19 101. A review of Patient 4's medical records from on or about September 13, 2012 and  
20 continuing through November 2013, indicate that Respondent added Lamictal to the Seroquel;  
21 prescribed 70 tablets per month of Norco at 10/325 mg, which was increased to 90 tablets in  
22 November 2012; prescribed 120 tablets per month of alprazolam at 2 mg; and prescribed 90  
23 tablets per month of MS Contin at 60 mg.<sup>31</sup>

24 102. A review of Patient 4's medical records from on or about December 13, 2013 and  
25 continuing through February 2014, indicate that Respondent prescribed 90 tablets per month of  
26 alprazolam at 2 mg; 900 mg of Seroquel per day; 60 tablets per month of MS Contin at 30 mg,

27  
28 <sup>30</sup> This equates to approximately MME 150 mg per day.

<sup>31</sup> This equates to approximately a total of MME 210 mg per day.

1 which was increased to 60 mg on or about January 2, 2014; and started prescribing 180 tablets per  
2 month of oxycodone at 5 mg. On or about March 6, 2014, Respondent also began prescribing  
3 Patient 4 60 tablets per month of Ritalin at 5 mg.

4 103. A review of Patient 4's medical records from on or about May 30, 2014 and  
5 continuing through September 2014, indicate that Respondent continued prescribing alprazolam  
6 and Seroquel while increasing the Ritalin to 10 mg and prescribing 120 tablets per month of MS  
7 Contin at 30 mg. On or about October 31, 2014 and continuing through December 2014,  
8 Respondent increased Patient 4's prescription of oxycodone to 80 tablets per month at 30 mg.<sup>32</sup>

9 104. From on or about December 15, 2011, through October 31, 2014, Respondent saw  
10 Patient 4 approximately 18 times, during which Respondent's physical examinations included  
11 vital signs and mental status exams with the same or similar assessments as the December 2011  
12 visit without any other physical examinations being documented. However, on or about April 11,  
13 2013, Respondent examined Patient 4's ears, eyes, lymph nodes, and oropharynx, and noted in his  
14 assessment "continues to have a high drama presentation with last-minute requests for medication  
15 refills that become an emergency, missed appointments and dramatic life events." On or about  
16 July 25, 2013, Patient 4 was seen by Respondent where Respondent Patient 4's chronic pain in  
17 his assessment. During this same period, Patient 4 missed his appointment on or about March 1,  
18 2012, reported a theft of his medications on or about January 16, 2012, and requested an early  
19 refill of his medications on or about November 30, 2012. In January 2012, a urine toxicology  
20 screening was ordered but there was no indication of the results in Patient 4's medical records.

21 105. On at least two occasions, Patient 4 reported to Respondent that he had been  
22 incarcerated in jail in August 2013 and again in May 2016 due to an assault.

23 106. A review of Patient 4's medical records from on or about January 27, 2015 and  
24 continuing through September 2015, indicate that Respondent continued Patient 4's prescriptions  
25 while increasing his MS Contin to 180 tablets per month at 30 mg in January,<sup>33</sup> substituted the  
26  
27

28 <sup>32</sup> This equates to approximately a total of MME 240 mg per day.

<sup>33</sup> This equates to approximately a total of MME 300 mg per day.

1 MS Contin for 15 mg Opana ER at 1 tablet twice daily in July, but switched back to the MS  
2 Contin in September.

3 107. On or about July 6, 2015, Respondent received a facsimile from Patient 4's medical  
4 insurance company expressing concern regarding the multiple prescriptions of controlled  
5 substances prescribed to Patient 4 by Respondent.

6 108. On or about October 8, 2015, Patient 4 was seen by Respondent and Respondent  
7 continued Patient 4's medication prescriptions and added Wellbutrin XL at 150 mg and lisinopril  
8 at 10 mg. On or about October 27, 2015, Patient 4 called Respondent and reported his oxycodone,  
9 MS Contin, and alprazolam prescriptions were stolen by his ex-girlfriend. Respondent gave  
10 Patient 4 a "tapering prescription..." of 20 tablets oxycodone at 15 mg and 20 tablets of  
11 alprazolam at 1 mg. All of Patient 4's medication prescriptions were refilled at full doses via the  
12 telephone on or about December 10, 2015.

13 109. A review of Patient 4's medical records from on or about January 3, 2016 and  
14 continuing through May 2017, indicate that Respondent continued Patient 4's prescriptions while  
15 substituting the Wellbutrin for 30 mg for duloxetine once a day in March 2016; increasing Patient  
16 4's MS Contin to 100 mg twice daily "for baseline control pain" in June 2016;<sup>34</sup> adding 300 mg  
17 of quetiapine per day for "breakthrough anxiety" in September 2016; and increasing Patient 4's  
18 oxycodone from 90 to 120 tablets per month in December 2016.<sup>35</sup>

19 110. On or about May 24, 2017, Patient 4 was last seen by Respondent and he reported  
20 attending anger management classes and sustaining a mandibular fracture in a fight. Respondent  
21 continued to prescribe Patient 4's medications at the same dosages. There was a signed consent  
22 titled "opiates and benzodiazepines: Lethal interaction" signed by the patient on that date. On or  
23 about August 3, 2017 Patient 4 died at the age of 35 years old due to acute pneumonia and  
24 empyema.

25 111. A review of Patient 4's CURES reports from October 2016 through July 2017  
26 evidence Respondent prescribing 60 tablets per month of MS Contin at 100 mg from November

27 <sup>34</sup> This equates to approximately a total of MME 335 mg per day.

28 <sup>35</sup> This equates to approximately MME 380 mg per day.

1 2016 through July 2017;<sup>36</sup> 90 tablets per month of oxycodone at 30 mg from November 2016  
2 through December 2016;<sup>37</sup> 120 tablets per month of oxycodone at 30 mg from January 2017  
3 through July 2017;<sup>38</sup> 90 tablets per month of alprazolam at 2 mg from November 2016 through  
4 July 2017; and 60 tablets per month of methylphenidate at 10 mg from November 2016 through  
5 July 2017.

6 112. From on or about January 27, 2015, through May 24, 2017, Respondent saw Patient 4  
7 approximately 13 times, during which Respondent's physical examinations of Patient 4 included  
8 vital signs and mental status exams with the same or similar assessment as the December 2011  
9 visit without any other physical examinations being documented of Patient 4's shoulder, neck or  
10 back, other than one examination of Patient 4's stab wound on or about January 3, 2016 and one  
11 mention of tender spots on his back on or about July 29, 2015. On or about July 29, 2015,  
12 Respondent included in his assessment of Patient 4 "acute psychiatric distress due to conflicts  
13 with his father, possibly exacerbated by complicated UTI." Patient 4's medical records also do  
14 not indicate if Respondent performed an evaluation such as imaging of Patient 4's shoulder, neck  
15 or back; or corroborated with other medical specialists; or contain a clear medical diagnosis  
16 necessitating increased dosages of opioids over a period of years.

17 113. During the July 8, 2021 interview, Respondent stated that Patient 4's pain was caused  
18 by chronic shoulder, neck, back, and head pain from a metal plate which required long-term  
19 opiates for management. Respondent admitted there was no objective information about the cause  
20 of pain in his shoulder, neck, or back, and he did not attempt to wean Patient 4's opioid dosages.  
21 Other than one examination of Patient 4's stab wound on or about January 3, 2016 and one  
22 mention of tender spots on his back on or about July 29, 2015, there was no indication in Patient  
23 4's medical records of an examination of the patient's shoulder, neck, back, or face between  
24 December 2011 and his death in August 2017 by Respondent. Respondent also admitted that he  
25 never performed a urine toxicology screening of Patient 4 even though he was prescribing two  
26 different opioids, a benzodiazepine, and stimulants to Patient 4.

27 <sup>36</sup> This equates to approximately MME 200 mg per day.

28 <sup>37</sup> This equates to approximately MME 135 mg per day.

<sup>38</sup> This equates to approximately MME 180 mg per day.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Gross Negligence)**

3 114. Respondent Ronald Paul Risley, M.D. has subjected his Physician's and Surgeon's  
4 Certificate No. A 63721 to disciplinary action under sections 2227 and 2234, as defined by  
5 section 2234, subdivision (b), of the Code, in that he committed gross negligence in his care and  
6 treatment of Patients 1, 2, 3, and 4. The circumstances are set forth in paragraphs 31 through 113,  
7 above, which are hereby incorporated by reference and re-alleged as if fully set forth herein.

8 115. Respondent's license is subject to disciplinary action because he committed gross  
9 negligence during the care and treatment of Patients 1, 2, 3, and 4 in the following distinct and  
10 separate ways:

11 a. By prescribing Patient 1 increasing high dosages of methadone and  
12 hydrocodone over a two-year period for joint pain without adequate evaluation and medical  
13 justification;

14 b. By failing to adequately treat Patient 1's musculoskeletal pain without an  
15 adequate history and physical examination;

16 c. By prescribing high doses of opioids without adequate evaluation and medical  
17 justification to Patient 2, who had a known opioid use disorder for over approximately 18 months;

18 d. By failing to order any urine toxicology screenings for Patient 2, who was  
19 being prescribed three different opioids and a high dose benzodiazepine with a known drug abuse  
20 history;

21 e. By prescribing high doses of opioids without adequate evaluation and medical  
22 justification to Patient 3, who had signs and symptoms of sedation, overmedication, and  
23 significant comorbidities;

24 f. By prescribing high doses of opioids without adequate evaluation and medical  
25 justification to Patient 4; and

26 g. By prescribing increasing doses of opioids for Patient 4 without clear medical  
27 indication, evaluation, or diagnosis.

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1 e. By treating Patient 2's abdominal and pelvic pain without an adequate physical  
2 examination;

3 f. By prescribing benzodiazepines in combination with high-dose opioids without  
4 considering safer alternatives or attempting to minimize the dose to Patient 3, who had pulmonary  
5 issues and was elderly;

6 g. By prescribing Patient 3 high-dose opioids without a documented safer  
7 alternative for treatment, a clear indication, or diagnosis in the absence of a full physical  
8 examination documented, and no evaluation such as imaging or corroboration with other  
9 specialists being performed; and

10 h. By failing to perform and obtain a urine toxicology screening from Patient 4.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Incompetence)**

13 119. Respondent Ronald Paul Risley, M.D. has further subjected his Physician's and  
14 Surgeon's Certificate No. A 63721 to disciplinary action under sections 2227 and 2234, as  
15 defined by section 2234, subdivision (d), of the Code, in that he committed incompetence. The  
16 circumstances are set forth in paragraphs 31 through 72, and those paragraphs are incorporated by  
17 reference and re-alleged as if fully set forth herein.

18 120. Respondent's license is subject to disciplinary action because he committed  
19 incompetence during the care and treatment of Patient 1 in the following distinct and separate  
20 ways:

21 a. By failing to appropriately identify and treat Patient 1's acute episode of heart  
22 failure when she had a history of multiple cardiac risk factors and presented with a leg edema,  
23 tachycardia, episodes of confusion, and progressive difficulty breathing in June 2018 while  
24 Respondent was prescribing her high dose methadone; and

25 b. By failing to identify Patient 1 had an opioid use disorder given that she took  
26 increasingly high dosages of opioids, even when she began to exhibit possible side effects such as  
27 feeling "out of it," getting lost, missing appointments, falling, getting a DUI, being more  
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1 depressed and less active, admitting to taking her mother's tramadol, taking oxycodone which  
2 was not prescribed at the time, and having a physical tolerance to the medications.

3 **PRAYER**

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


6 1. Revoking or suspending Physician's and Surgeon's Certificate No. A 63721, issued  
7 to Respondent Ronald Paul Risley, M.D.;

8 2. Revoking, suspending or denying approval of Respondent Ronald Paul Risley,  
9 M.D.'s authority to supervise physician assistants and advanced practice nurses;

10 3. Ordering Respondent Ronald Paul Risley, M.D., to pay the Board the costs of the  
11 investigation and enforcement of this case, and if placed on probation, the costs of probation  
12 monitoring; and

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

14  
15 DATED: **MAR 16 2022**

  
\_\_\_\_\_  
WILLIAM PRASIFKA  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
Complainant

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