

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

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

Kristen Nicole Andersen, M.D.

**Physician's and Surgeon's
Certificate No. A 123766**

Respondent.

Case No.: 800-2020-068907

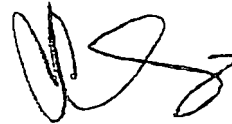
DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on June 15, 2023.

IT IS SO ORDERED: May 16, 2023.

MEDICAL BOARD OF CALIFORNIA



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

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 MARSHA E. BARR-FERNANDEZ
Deputy Attorney General
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Attorneys for Complainant
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8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **KRISTEN NICOLE ANDERSEN, M.D.**
14 **835 Hopkins Way, Apartment 505**
15 **Redondo Beach, CA 90277**

16 **Physician's and Surgeon's Certificate**
17 **No. A 123766,**

18 Respondent.

Case No. 800-2020-068907

OAH No. 2022120392

19 **STIPULATED SETTLEMENT AND**
20 **DISCIPLINARY ORDER**

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

23 **PARTIES**

24 1. Reji Varghese (Complainant) is the Interim Executive Director of the Medical Board
25 of California (Board). He brought this action solely in his official capacity and is represented in
26 this matter by Rob Bonta, Attorney General of the State of California, by Marsha E. Barr-
27 Fernandez, Deputy Attorney General.

28 2. Respondent Kristen Nicole Andersen, M.D. (Respondent) is represented in this
proceeding by attorney Kevin D. Cauley, whose address is: 225 S. Lake Avenue, Suite 300,
Pasadena, CA 91101.

3. On or about December 5, 2012, the Board issued Physician's and Surgeon's
Certificate No. A 123766 to Kristen Nicole Andersen, M.D. (Respondent). The Physician's and

1 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in
2 Accusation No. 800-2020-068907, and will expire on December 31, 2024, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 800-2020-068907 was filed before the Board, and is currently
5 pending against Respondent. The Accusation and all other statutorily required documents were
6 properly served on Respondent on December 9, 2022. Respondent timely filed her Notice of
7 Defense contesting the Accusation.

8 5. A copy of Accusation No. 800-2020-068907 is attached as exhibit A and incorporated
9 herein by reference.

10 **ADVISEMENT AND WAIVERS**

11 6. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 800-2020-068907. Respondent has also carefully read,
13 fully discussed with her counsel, and understands the effects of this Stipulated Settlement and
14 Disciplinary Order.

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

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

23 **CULPABILITY**

24 9. Respondent understands that the charges and allegations in Accusation No. 800-2020-
25 068907, if proven at a hearing, constitute cause for imposing discipline upon her Physician's and
26 Surgeon's Certificate.

27 10. For the purpose of resolving the Accusation without the expense and uncertainty of
28 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual

1 basis for the charges in the Accusation and that those charges constitute cause for discipline.
2 Respondent hereby gives up her right to contest that cause for discipline exists based on those
3 charges.

4 11. Respondent understands that, by signing this stipulation, she agrees to be bound by
5 the Board's probationary terms as set forth in the Disciplinary Order below.

6 **CONTINGENCY**

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

17 13. Respondent agrees that if she ever petitions for early termination or modification of
18 probation, or if an accusation and/or petition to revoke probation is filed against her before the
19 Board, all of the charges and allegations contained in Accusation No. 800-2020-068907 shall be
20 deemed true, correct, and fully admitted by Respondent for purposes of any such proceeding or
21 any other licensing proceeding involving Respondent in the State of California.

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

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

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5. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism program, that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1. Respondent shall participate in and successfully complete that program. Respondent shall provide any information and documents that the program may deem pertinent. Respondent shall successfully complete the classroom component of the program not later than six (6) months after

1 Respondent's initial enrollment, and the longitudinal component of the program not later than the
2 time specified by the program, but no later than one (1) year after attending the classroom
3 component. The professionalism program shall be at Respondent's expense and shall be in
4 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

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

13 6. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this Decision,
14 Respondent shall submit to the Board or its designee for prior approval the name and
15 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who
16 has a doctoral degree in psychology and at least five years of postgraduate experience in the
17 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall
18 undergo and continue psychotherapy treatment, including any modifications to the frequency of
19 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

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

25 Respondent shall have the treating psychotherapist submit quarterly status reports to the
26 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric
27 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of
28 probation, Respondent is found to be mentally unfit to resume the practice of medicine without

1 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the
2 period of probation shall be extended until the Board determines that Respondent is mentally fit
3 to resume the practice of medicine without restrictions.

4 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

5 7. MEDICAL EVALUATION AND TREATMENT. Within 30 calendar days of the
6 effective date of this Decision, and on a periodic basis thereafter as may be required by the Board
7 or its designee, Respondent shall undergo a medical evaluation by a Board-appointed physician
8 who shall consider any information provided by the Board or designee and any other information
9 the evaluating physician deems relevant and shall furnish a medical report to the Board or its
10 designee. Respondent shall provide the evaluating physician with any information and
11 documentation that the evaluating physician may deem pertinent.

12 Following the evaluation, Respondent shall comply with all restrictions or conditions
13 recommended by the evaluating physician within 15 calendar days after being notified by the
14 Board or its designee. If Respondent is required by the Board or its designee to undergo medical
15 treatment, Respondent shall within 30 calendar days of the requirement notice, submit to the
16 Board or its designee for prior approval the name and qualifications of a California licensed
17 treating physician of Respondent's choice. Upon approval of the treating physician, Respondent
18 shall within 15 calendar days undertake medical treatment and shall continue such treatment until
19 further notice from the Board or its designee.

20 The treating physician shall consider any information provided by the Board or its designee
21 or any other information the treating physician may deem pertinent prior to commencement of
22 treatment. Respondent shall have the treating physician submit quarterly reports to the Board or
23 its designee indicating whether or not the Respondent is capable of practicing medicine safely.
24 Respondent shall provide the Board or its designee with any and all medical records pertaining to
25 treatment that the Board or its designee deems necessary.

26 If, prior to the completion of probation, Respondent is found to be physically incapable of
27 resuming the practice of medicine without restrictions, the Board shall retain continuing
28 jurisdiction over Respondent's license and the period of probation shall be extended until the

1 Board determines that Respondent is physically capable of resuming the practice of medicine
2 without restrictions. Respondent shall pay the cost of the medical evaluation(s) and treatment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 After the issuance of a cease-practice order, the Board shall determine whether the positive
28 biological fluid test is in fact evidence of prohibited substance use by consulting with the

specimen collector and the laboratory, communicating with the licensee, his or her treating physician(s), other health care provider, or group facilitator, as applicable.

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

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

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

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

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

The facilitator shall provide a signed document to the Board or its designee showing Respondent's name, the group name, the date and location of the meeting, Respondent's

1 attendance, and Respondent's level of participation and progress. The facilitator shall report any
2 unexcused absence by Respondent from any substance abuse support group meeting to the Board,
3 or its designee, within twenty-four (24) hours of the unexcused absence.

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

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

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

20 Respondent shall pay all worksite monitoring costs.

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

25 The worksite monitor shall verbally report any suspected substance abuse to the Board and
26 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected
27 substance abuse does not occur during the Board's normal business hours, the verbal report shall
28 be made to the Board or its designee within one (1) hour of the next business day. A written

1 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and
2 any other information deemed important by the worksite monitor shall be submitted to the Board
3 or its designee within 48 hours of the occurrence.

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

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

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

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

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

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

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

13 B. If Respondent commits a minor violation of probation as defined by section
14 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
15 one or more of the following actions:

16 (1) Issue a cease-practice order;

17 (2) Order practice limitations;

18 (3) Order or increase supervision of Respondent;

19 (4) Order increased documentation;

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

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

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

25 C. Nothing in this Decision shall be considered a limitation on the Board's authority
26 to revoke Respondent's probation if he or she has violated any term or condition of probation. If
27 Respondent violates probation in any respect, the Board, after giving Respondent notice and the
28 opportunity to be heard, may revoke probation and carry out the disciplinary order that was

1 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed
2 against Respondent during probation, the Board shall have continuing jurisdiction until the matter
3 is final, and the period of probation shall be extended until the matter is final.

4 13. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
5 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
6 Chief Executive Officer at every hospital where privileges or membership are extended to
7 Respondent, at any other facility where Respondent engages in the practice of medicine,
8 including all physician and locum tenens registries or other similar agencies, and to the Chief
9 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
10 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
11 calendar days.

12 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

13 14. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
14 NURSES. During probation, Respondent is prohibited from supervising Physician Assistants and
15 Advanced Practice Nurses.

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

19 16. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
20 ordered to reimburse the Board its costs of investigation and enforcement, including, but not
21 limited to, expert review, accusations, legal reviews, investigation(s), and subpoena enforcement,
22 as applicable, in the estimated amount of \$10,000.00 (ten thousand dollars and zero cents). Costs
23 shall be payable to the Medical Board of California. Failure to pay such costs shall be considered
24 a violation of probation.

25 Payment must be made in full within 30 calendar days of the effective date of the Order, or
26 by a payment plan approved by the Medical Board of California. Any and all requests for a
27 payment plan shall be submitted in writing by Respondent to the Board. Failure to comply with
28 the payment plan shall be considered a violation of probation.

1 The filing of bankruptcy by Respondent shall not relieve Respondent of the responsibility
2 to repay investigation and enforcement costs, including expert review costs (if applicable).

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

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

8 18. GENERAL PROBATION REQUIREMENTS.

9 Compliance with Probation Unit

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

11 Address Changes

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

17 Place of Practice

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

21 License Renewal

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

24 Travel or Residence Outside California

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

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

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

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

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

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

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

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

7 21. COMPLETION OF PROBATION. Respondent shall comply with all financial
8 obligations (e.g., restitution, probation costs) not later than one hundred twenty (120) calendar
9 days prior to the completion of probation. This term does not include cost recovery, which is due
10 within thirty (30) calendar days of the effective date of the Order, or by a payment plan approved
11 by the Medical Board and timely satisfied. Upon successful completion of probation,
12 Respondent's certificate shall be fully restored.

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

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

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1 longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical
2 license, the application shall be treated as a petition for reinstatement of a revoked certificate.

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

8 25. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
9 a new license or certification, or petition for reinstatement of a license, by any other health care
10 licensing action agency in the State of California, all of the charges and allegations contained in
11 Accusation No. 800-2020-068907 shall be deemed to be true, correct, and admitted by
12 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
13 restrict license.

14 ACCEPTANCE

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

20
21 DATED: 3/9/2023 Kristen Andersen MD
22 KRISTEN NICOLE ANDERSEN, M.D.
23 Respondent

24 I have read and fully discussed with Respondent Kristen Nicole Andersen, M.D. the terms
25 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
26 Order. I approve its form and content.

27 DATED: March 10, 2023 Kevin Cauley
28 KEVIN D. CAULEY
Attorney for Respondent

ENDORSEMENT

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

DATED: March 10, 2023

Respectfully submitted,

ROB BONTA
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General

Marsha E. Barr-Fernandez
MARSHA E. BARR-FERNANDEZ
Deputy Attorney General
Attorneys for Complainant

LA2022602107

Exhibit A

Accusation No. 800-2020-068907

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 MARSHA E. BARR-FERNANDEZ
Deputy Attorney General
4 State Bar No. 200896
300 South Spring Street, Suite 1702
5 Los Angeles, CA 90013
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6 Facsimile: (916) 731-2117
Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

Case No. 800-2020-068907

13 **KRISTEN NICOLE ANDERSEN, M.D.**
835 Hopkins Way, Apartment 505
Redondo Beach, CA 90277

A C C U S A T I O N

14 **Physician's and Surgeon's Certificate**
15 **No. A 123766,**

Respondent.

16
17 **PARTIES**

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

21 2. On or about December 5, 2012, the Medical Board issued Physician's and Surgeon's
22 Certificate Number A 123766 to Kristen Nicole Andersen, M.D. (Respondent). The Physician's
23 and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
24 herein and will expire on December 31, 2024, unless renewed.

25 **JURISDICTION**

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

1 4. Section 2227 of the Code states:

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

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

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

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

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

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

17 (b) Any matter heard pursuant to subdivision (a), except for warning letters,
18 medical review or advisory conferences, professional competency examinations,
19 continuing education activities, and cost reimbursement associated therewith that are
20 agreed to with the board and successfully completed by the licensee, or other matters
21 made confidential or privileged by existing law, is deemed public, and shall be made
22 available to the public by the board pursuant to Section 803.1.

23 5. Section 2228 of the Code states:

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

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

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

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

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

41 ///

STATUTORY PROVISIONS

6. Section 822 of the Code states:

If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

- (a) Revoking the licentiate's certificate or license.
- (b) Suspending the licentiate's right to practice.
- (c) Placing the licentiate on probation.
- (d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

The licensing section shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated.

7. Section 2234 of the Code, states:

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

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

(b) Gross negligence.

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

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

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

(d) Incompetence.

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

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

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

5 8. Section 2239 of the Code states:

6 (a) The use or prescribing for or administering to himself or herself, of any
7 controlled substance; or the use of any of the dangerous drugs specified in Section
8 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous
9 or injurious to the licensee, or to any other person or to the public, or to the extent that
10 such use impairs the ability of the licensee to practice medicine safely or more than
11 one misdemeanor or any felony involving the use, consumption, or
12 self-administration of any of the substances referred to in this section, or any
13 combination thereof, constitutes unprofessional conduct. The record of the
14 conviction is conclusive evidence of such unprofessional conduct.

15 (b) A plea or verdict of guilty or a conviction following a plea of nolo
16 contendere is deemed to be a conviction within the meaning of this section. The
17 Medical Board may order discipline of the licensee in accordance with Section 2227
18 or the Medical Board may order the denial of the license when the time for appeal has
19 elapsed or the judgment of conviction has been affirmed on appeal or when an order
20 granting probation is made suspending imposition of sentence, irrespective of a
21 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing
22 such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or
23 setting aside the verdict of guilty, or dismissing the accusation, complaint,
24 information, or indictment.

25 COST RECOVERY

26 9. Section 125.3 of the Code states:

27 (a) Except as otherwise provided by law, in any order issued in resolution of a
28 disciplinary proceeding before any board within the department or before the
Osteopathic Medical Board, upon request of the entity bringing the proceeding, the
administrative law judge may 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 enforcement of the case.

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

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

(d) The administrative law judge shall make a proposed finding of the amount
of reasonable costs of investigation and prosecution of the case when requested
pursuant to subdivision (a). The finding of the administrative law judge with regard
to costs shall not be reviewable by the board to increase the cost award. The board

1 may reduce or eliminate the cost award, or remand to the administrative law judge if
2 the proposed decision fails to make a finding on costs requested pursuant to
3 subdivision (a).

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

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

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

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

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

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

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

26 FACTUAL ALLEGATIONS

27 10. Respondent suffers from alcohol use disorder, which began in late 2015. In 2016,
28 Respondent participated in multiple inpatient and outpatient treatment programs for alcohol use
disorder, following which Respondent sustained sobriety for four years.

11 11. In June 2020, Respondent relapsed. On July 3, 2020, Respondent consumed
12 alcoholic beverages before going to the grocery store. As Respondent was leaving the grocery
13 store, three individuals attempted to stop her from driving because she was intoxicated. A scuffle
14 ensued, resulting in physical harm to the three individuals. The police were called, and
15 Respondent was subsequently arrested for battery and public intoxication.

16 12. On August 26, 2020, the District Attorney's office filed three misdemeanor charges
17 against Respondent – two counts of battery (Penal Code section 242) and one count of drunk in
18 public (Penal Code section 647(f)).

1 13. Following the arrest, Respondent again participated in inpatient and outpatient
2 treatment programs for alcohol use disorder.

3 14. On October 27, 2021, after Respondent showed proof of having successfully
4 completed a diversion program, the District Attorney dismissed the charges stemming from the
5 arrest on July 3, 2020.

6 15. In March 2022, Respondent relapsed. Respondent presented to work under the
7 influence, but received help before seeing patients. On March 31, 2022, Respondent was
8 admitted to an inpatient program for alcohol and/or drug addiction treatment. Once Respondent
9 completed the inpatient program, Respondent transferred to a day treatment program, which was
10 completed on May 10, 2022.

11 16. On June 13, 2022, Dr. S.C., a board certified psychiatrist chosen by the Board to
12 evaluate Respondent, met with Respondent. Based on Dr. S.C.'s evaluation, Respondent has a
13 mental illness or condition that potentially impacts Respondent's ability to safely engage in the
14 practice of medicine.

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(Unable to Practice Safely Due to Mental/Physical Disorder)**

17 17. Respondent Kristen Nicole Andersen, M.D. is subject to disciplinary action under
18 section 822 of the Code, in that Respondent's ability to practice safely is impaired because
19 Respondent is mentally and/or physically ill in a manner affecting competency. The
20 circumstance are as follows:

21 18. The facts and allegations set forth in paragraphs 10 through 16, above, are realleged
22 herein as if fully set forth.

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

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3 DATED: **DEC 09 2022**



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

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