

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

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

James Jeffrey Luz, M.D.

**Physician's and Surgeon's
Certificate No. A 128235**

Case No.: 800-2020-072126

Respondent.

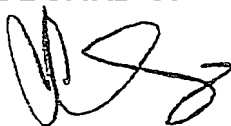
DECISION

The attached Stipulated Settlement and Disciplinary 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 October 27, 2023.

IT IS SO ORDERED: September 28, 2023.

MEDICAL BOARD OF CALIFORNIA



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

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 RYAN J. YATES
Deputy Attorney General
4 State Bar No. 279257
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

13 **JAMES JEFFREY LUZ, M.D.**
14 **Kaiser Emergency Medicine Dept**
2025 Morse Ave
15 **Sacramento, CA 95825**

16 **Physician's and Surgeon's Certificate No.**
17 **A 128235**

18 Respondent.

Case No. 800-2020-072126

OAH No. 2022120286

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

24 **PARTIES**

25 1. Reji Varghese (Complainant) is the Interim Executive Director of the Medical Board
26 of California (Board). He brought this action solely in his official capacity and is represented in
27 this matter by Rob Bonta, Attorney General of the State of California, by Ryan J. Yates, Deputy
28 Attorney General.

1 2. Respondent James Jeffrey Luz, M.D. (Respondent) is represented in this proceeding
2 by attorney Jonathan C. Turner, Esq., whose address is: 3620 American River Drive, Suite 120,
3 Sacramento, CA 95864.

4 3. On December 27, 2013, the Board issued Physician's and Surgeon's Certificate No. A
5 128235 to James Jeffrey Luz, M.D. The Physician's and Surgeon's Certificate was in full force
6 and effect at all times relevant to the charges brought in Accusation No. 800-2020-072126, and
7 will expire on September 30, 2023, unless renewed.

8 **JURISDICTION**

9 4. Accusation No. 800-2020-072126 was filed before the Board, and is currently
10 pending against Respondent. The Accusation and all other statutorily required documents were
11 properly served on Respondent on August 23, 2022. Respondent timely filed his Notice of
12 Defense contesting the Accusation.

13 5 A copy of Accusation No. 800-2020-072126 is attached as Exhibit A and
14 incorporated herein by reference.

15 **ADVISEMENT AND WAIVERS**

16 6. Respondent has carefully read, fully discussed with counsel, and understands the
17 charges and allegations in Accusation No. 800-2020-072126. Respondent has also carefully read,
18 fully discussed with his counsel, and understands the effects of this Stipulated Settlement and
19 Disciplinary Order.

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

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

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1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations in Accusation
3 No. 800-2020-072126, if proven at a hearing, constitute cause for imposing discipline upon his
4 Physician's and Surgeon's Certificate.

5 10. Respondent does not contest that, at an administrative hearing, complainant could
6 establish a prima facie case with respect to the charges and allegations in Accusation No. 800-
7 2020-072126, and that he has thereby subjected his Physician's and Surgeon's Certificate, No.
8 A 128235 to disciplinary action.

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

12 CONTINGENCY

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

23 13. Respondent agrees that if he ever petitions for early termination or modification of
24 probation, or if an accusation and/or petition to revoke probation is filed against him before the
25 Board, all of the charges and allegations contained in Accusation No. 800-2020-072126 shall be
26 deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any
27 other licensing proceeding involving Respondent in the State of California.

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 128235 issued to Respondent James Jeffrey Luz, M.D., is revoked. However, the revocation is stayed and Respondent is placed on probation for four (4) years from the effective date of the Decision on the below terms and conditions:

1. PATIENT DISCLOSURE. Before a patient's first visit following the effective date of this order and while the respondent is on probation, the respondent must provide all patients, or patient's guardian or health care surrogate, with a separate disclosure that includes the respondent's probation status, the length of the probation, the probation end date, all practice restrictions placed on the respondent by the board, the board's telephone number, and an explanation of how the patient can find further information on the respondent's probation on the respondent's profile page on the board's website. Respondent shall obtain from the patient, or the patient's guardian or health care surrogate, a separate, signed copy of that disclosure. Respondent shall not be required to provide a disclosure if any of the following applies: (1) The patient is unconscious or otherwise unable to comprehend the disclosure and sign the copy of the disclosure and a guardian or health care surrogate is unavailable to comprehend the disclosure and sign the copy; (2) The visit occurs in an emergency room or an urgent care facility or the visit is unscheduled, including consultations in inpatient facilities; (3) Respondent is not known to the patient until immediately prior to the start of the visit; (4) Respondent does not have a direct treatment relationship with the patient.

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

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

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

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

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

28 The psychotherapist shall consider any information provided by the Board or its designee

1 and any other information the psychotherapist deems relevant and shall furnish a written
2 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
3 psychotherapist with any information and documents that the psychotherapist may deem
4 pertinent.

5 Respondent shall have the treating psychotherapist submit quarterly status reports to the
6 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric
7 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of
8 probation, Respondent is found to be mentally unfit to resume the practice of medicine without
9 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the
10 period of probation shall be extended until the Board determines that Respondent is mentally fit
11 to resume the practice of medicine without restrictions.

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

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

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

22 6. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
23 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
24 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
25 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall
26 make daily contact with the Board or its designee to determine whether biological fluid testing is
27 required. Respondent shall be tested on the date of the notification as directed by the Board or its
28 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at

1 any time, including weekends and holidays. Except when testing on a specific date as ordered by
2 the Board or its designee, the scheduling of biological fluid testing shall be done on a random
3 basis. The cost of biological fluid testing shall be borne by the Respondent.

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

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

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

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

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

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

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

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

1 and will be notified of negative test results within seven (7) business days.

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

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

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

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

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

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

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

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

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

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

26 If a biological fluid test result indicates Respondent has used, consumed, ingested, or
27 administered to himself or herself a prohibited substance, the Board shall order Respondent to
28 cease practice and instruct Respondent to leave any place of work where Respondent is practicing

1 medicine or providing medical services. The Board shall immediately notify all of Respondent's
2 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or
3 provide medical services while the cease-practice order is in effect.

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

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

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

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

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

22 If there have been no positive or missed biological fluid tests in the first twelve (12)
23 consecutive months of probation, and in the event that Respondent has successfully completed the
24 above requirements, Respondent may petition the Board that testing be reduced to one (1) time
25 per month. Acceptance of said petition for modification of this term shall be at the discretion of
26 Respondent's probation monitor and the Board. Nothing precludes the Board from increasing the
27 number of random tests to the first-year level of frequency for any reason.

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

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

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

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

22 A. If Respondent commits a major violation of probation as defined by section
23 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
24 one or more of the following actions:

25 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical
26 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
27 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice
28 order issued by the Board or its designee shall state that Respondent must test negative for at least

1 a month of continuous biological fluid testing before being allowed to resume practice. For
2 purposes of determining the length of time a Respondent must test negative while undergoing
3 continuous biological fluid testing following issuance of a cease-practice order, a month is
4 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until
5 notified in writing by the Board or its designee that he or she may do so.

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

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

9 B. If Respondent commits a minor violation of probation as defined by section
10 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
11 one or more of the following actions:

12 (1) Issue a cease-practice order;

13 (2) Order practice limitations;

14 (3) Order or increase supervision of Respondent;

15 (4) Order increased documentation;

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

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

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

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

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

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

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

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

16 12. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
17 ordered to reimburse the Board its costs of investigation and enforcement, including, but not
18 limited to, expert review, amended accusations, legal reviews, investigation(s), and subpoena
19 enforcement, as applicable, in the amount of \$12,617.26 (twelve thousand six hundred seventeen
20 dollars and twenty-six cents). Costs shall be payable to the Medical Board of California. Failure
21 to pay such costs shall be considered a violation of probation.

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

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

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

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

6 14. GENERAL PROBATION REQUIREMENTS.

7 Compliance with Probation Unit

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

9 Address Changes

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

15 Place of Practice

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

19 License Renewal

20 Respondent shall maintain a current and renewed California physician's and surgeon's
21 license.

22 Travel or Residence Outside California

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

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

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

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

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

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

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

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

1 Controlled Substances; and Biological Fluid Testing..

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

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

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

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

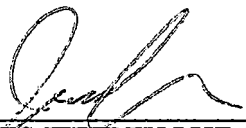
1 year.

2 21. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
3 a new license or certification, or petition for reinstatement of a license, by any other health care
4 licensing action agency in the State of California, all of the charges and allegations contained in
5 Accusation No. 800-2020-072126 shall be deemed to be true, correct, and admitted by
6 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
7 restrict license.

8 ACCEPTANCE

9 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
10 discussed it with my attorney, Jonathan C. Turner, Esq. I understand the stipulation and the effect
11 it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement
12 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
13 Decision and Order of the Medical Board of California.

14
15 DATED: 5/31/2023


16 JAMES JEFFREY LUZ, M.D.
Respondent

17 I have read and fully discussed with Respondent James Jeffrey Luz, M.D., the terms and
18 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
19 I approve its form and content.

20 DATED: 6/1/2023


21 JONATHAN C. TURNER, ESQ.
Attorney for Respondent

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ENDORSEMENT

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

DATED: 6/2/23

Respectfully submitted,

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

Ryan Yates

RYAN J. YATES
Deputy Attorney General
Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 800-2020-072126

13 **JAMES JEFFREY LUZ, M.D.**
14 **Kaiser Emergency Medicine Dept.**
15 **2025 Morse Ave**
Sacramento, CA 95825

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. A 128235,**

18 Respondent.

19
20 **PARTIES**

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

24 2. On or about December 27, 2013, the Medical Board issued Physician's and Surgeon's
25 Certificate No. A 128235 to James Jeffrey Luz, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
27 herein and will expire on September 30, 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.

“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:

“ . . .

6. Unprofessional conduct under Business and Professions Code section 2234 is conduct which breaches the rules or ethical conduct of the medical profession, or conduct which is coming to a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 151 Cal.Rptr. 222.)

“(a) The use or prescribing for or administering to himself or herself, of any controlled substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely or more than

1 one misdemeanor or any felony involving the use, consumption, or
2 self-administration of any of the substances referred to in this section, or any
3 combination thereof, constitutes unprofessional conduct. The record of the conviction
4 is conclusive evidence of such unprofessional conduct.”

5 8. Section 822 of the Code states:

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

10 “(a) Revoking the licentiate’s certificate or license.

11 “(b) Suspending the licentiate’s right to practice.

12 “(c) Placing the licentiate on probation.

13 “(d) Taking such other action in relation to the licentiate as the licensing agency
14 in its discretion deems proper.

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

20 COST RECOVERY

21 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
22 administrative law judge to direct a licensee found to have committed a violation or violations of
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
24 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
25 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
26 included in a stipulated settlement.

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FACTUAL ALLEGATIONS

10. Respondent is a physician and surgeon who is board-certified in Emergency Medicine by the American Board of Emergency Medicine. At all times relevant to this action, Respondent worked at Kaiser Permanente, North Valley, including the emergency facilities in both Sacramento and Roseville.

11. On or about October 28, 2020, the Central Complaint Unit received an 805 Health Facility/Peer Review Report from The Permanente Medical Group, stating that Respondent took a medical leave of absence during the pendency of an investigation initiated in response to concerns regarding Respondent's professional conduct. The Medical Board subsequently learned that Respondent had consumed alcohol during his shift in the Emergency Department at the Kaiser Hospital located at 2025 Morse Avenue in Sacramento (Kaiser Morse). Additional circumstances are as follows:

12. On or about September 14, 2020, Respondent was working a shift in the Clinical Decision Area of the Emergency Department at Kaiser Morse. At approximately 12:45 p.m., another emergency physician at the facility, Dr. G.B., tried to contact Respondent because he would be taking over the care of Respondent's duties. As part of the hospital procedures, Respondent was supposed to "sign-out" his patients at the end of his shift, which was approximately 2:30 p.m. Dr. G.B. was unable to find or contact Respondent by phone for multiple hours. He notified the Emergency Department Chief, Dr. V.L., who was also unable to reach Respondent by phone in his initial attempt(s). Dr. V.L. instructed employees and staff to try to contact or physically locate Respondent.

13. Eventually, Respondent called Dr. G.B., who noticed that Respondent's speech was slurred and that Respondent was unable to speak clearly. Respondent also spoke by phone with Dr. V.L. around 4:00 p.m., who observed that Respondent gave one-word answers and appeared incoherent.

14. At approximately 4:40 p.m., a Security Guard, Mr. C.P., found Respondent in (or near) the M.D. parking lot at Kaiser Morse. Mr. C.P. escorted Respondent to an administrative office, where he consented to drug and alcohol testing. Respondent provided a urine sample,

1 which tested positive for ethanol. He also provided three breath samples at 8:45 p.m., 8:49 p.m.,
2 and 9:03 p.m., which measured 0.184% blood alcohol concentration (BAC), 0.191% BAC, and
3 0.189% BAC, respectively.

4 15. On or about September 28, 2020, Respondent enrolled in and later completed an in-
5 patient treatment program. On or about December 1, 2020, he returned to work at the Emergency
6 Department at Kaiser Morse. Respondent has been undergoing treatment and monitoring as part
7 of his return to work. Respondent has reported a sobriety date of September 15, 2020.

8 16. On or about March 21, 2022, a Board investigator interviewed Respondent.
9 Respondent stated that he had worked an evening shift on September 13, 2020, and had only
10 about 2.5 hours of sleep the night before his shift on September 14, 2020. He stated, during his
11 lunch break, he purchased beer with the intention of bringing it home to consume after his shift,
12 but instead he brought it into work and starting consuming it. He stated that he had two, possibly
13 three, beers in a room by himself, and ended up taking a nap and sleeping through the sign-outs
14 that he was supposed to do at the end of his shift. He stated that he woke up a few hours later.

15 17. Respondent underwent an evaluation by a Board-appointed psychiatrist. The
16 evaluator concluded that Respondent has severe Alcohol Use Disorder. The evaluator further
17 concluded that Respondent requires monitoring, treatment, and oversight in order to practice
18 medicine safely.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Impaired Ability to Safely Practice Medicine)**

21 18. Respondent's license is subject to disciplinary action under section 822 in that he is
22 impaired in his ability to safely practice medicine as a result of his Alcohol Use Disorder, as more
23 particularly alleged in paragraphs 10 through 17 above, which are hereby incorporated by
24 reference and realleged as if fully set forth herein.

25 **SECOND CAUSE FOR DISCIPLINE**

26 **(Dangerous Use of Drugs or Alcohol)**

27 19. Respondent's license is also subject to disciplinary action under sections 2234 and
28 2239, in that he used alcohol to such an extent or in such a manner as to be dangerous to himself.

1 others, and the public, as more particularly alleged in paragraphs 10 through 18 above, which are
2 hereby incorporated by reference and realleged as if fully set forth herein.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(General Unprofessional Conduct)**

5 20. Respondent's license is subject to disciplinary action under Code sections 2227 and
6 2234, in that he has engaged in conduct which breaches the rules or ethical code of the medical
7 profession, or conduct which is unbecoming a member in good standing of the medical
8 profession, and which demonstrates an unfitness to practice medicine, as more particularly
9 alleged in paragraphs 10 through 19, above, which are hereby incorporated by reference as if fully
10 set forth herein.

11 **PRAYER**

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

14 1. Revoking or suspending Physician's and Surgeon's Certificate No. A 128235, issued
15 to James Jeffrey Luz, M.D.;


16 2. Revoking, suspending or denying approval of James Jeffrey Luz, M.D.'s authority to
17 supervise physician assistants and advanced practice nurses;

18 3. Ordering James Jeffrey Luz, M.D., to pay the Board the costs of the investigation and
19 enforcement of this case, and if placed on probation, the costs of probation monitoring;

20 4. Ordering Respondent James Jeffrey Luz, M.D., if placed on probation, to provide
21 patient notification in accordance with Business and Professions Code section 2228.1; and

22 5. Taking such other and further action as deemed necessary and proper.

23
24 DATED: AUG 23 2022

25 
26 WILLIAM PRASIFKA
27 Executive Director
28 Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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