

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

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

Bryce Andrew Morton, M.D.

**Physician's and Surgeon's
Certificate No. G 75727**

Respondent.

Case No.: 800-2022-088916

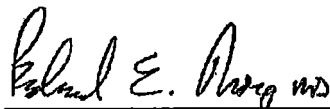
DECISION

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 December 15, 2023.

IT IS SO ORDERED: November 17, 2023.

MEDICAL BOARD OF CALIFORNIA



**Richard E. Thorp, M.D., Chair
Panel B**

1 ROB BONTA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 JASON J. AHN
Deputy Attorney General
4 State Bar No. 253172
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9433
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

14 **BRYCE ANDREW MORTON, M.D.**
15 **30806 Crystallaire Drive**
Temecula, CA 92591-3913

16 **Physician's and Surgeon's**
17 **Certificate No. G 75727**

18 Respondent.

Case No. 800-2022-088916

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

22 **PARTIES**

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

27 ///

28 ///

2. Respondent Bryce Andrew Morton, M.D. (Respondent) is represented in this proceeding by attorney Raymond J. McMahon, Esq., whose address is: 5440 Trabuco Road Irvine, CA 92620.

3. On or about December 14, 1992, the Board issued Physician's and Surgeon's Certificate No. G 75727 to Bryce Andrew Morton, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2022-088916, and will expire on June 30, 2024, unless renewed.

JURISDICTION

4. On May 4, 2023, Accusation No. 800-2022-088916 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on or about May 4, 2023. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2022-088916 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and fully understands the charges and allegations in Accusation No. 800-2022-088916. Respondent has also carefully read, fully discussed with his counsel, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

///

1 CULPABILITY

2 9. Respondent does not contest that, at an administrative hearing, Complainant could
3 establish a *prima facie* case with respect to the charges and allegations contained in First
4 Amended Accusation No. 800-2022-088916, a copy of which is attached hereto as Exhibit A, and
5 that he has thereby subjected his Physician's and Surgeon's Certificate No. G 75727 to
6 disciplinary action.

7 10. Respondent agrees that if an accusation is ever filed against him before the Medical
8 Board of California, all of the charges and allegations contained in First Amended Accusation
9 No. 800-2022-088916 shall be deemed true, correct, and fully admitted by Respondent for
10 purposes of that proceeding or any other licensing proceeding involving Respondent in the State
11 of California.

12 11. Respondent agrees that his Physician's and Surgeon's Certificate No. G 75727 is
13 subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth
14 in the Disciplinary Order below.

15 CONTINGENCY

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

26 13. Respondent agrees that if he ever petitions for early termination or modification of
27 probation, or if an accusation and/or petition to revoke probation is filed against him before the
28 Board, all of the charges and allegations contained in Accusation No. 800-2022-088916 shall be

1 deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any
2 other licensing proceeding involving Respondent in the State of California.

3 **ADDITIONAL PROVISIONS**

4 14. This Stipulated Settlement and Disciplinary Order is intended by the parties herein
5 to be an integrated writing representing the complete, final, and exclusive embodiment of the
6 agreements of the parties in the above-entitled matter.

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

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

13 **DISCIPLINARY ORDER**

14 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 75727 issued
15 to Respondent Bryce Andrew Morton, M.D. is revoked. However, the revocation is stayed and
16 Respondent is placed on probation for four (4) years on the following terms and conditions:

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

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

27 ///

28 ///

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

3 3. 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 4. 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.

28 Prior to practicing medicine, Respondent shall contract with a laboratory or service,

1 approved in advance by the Board or its designee, that will conduct random, unannounced,
2 observed, biological fluid testing and meets all of the following standards:

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

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

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

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

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

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

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

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

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

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

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

1 day.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 period of probation shall be extended until the Board determines that Respondent is mentally fit
2 to resume the practice of medicine without restrictions.

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

4 6. 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 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 7. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING

2 LICENSEES . Failure to fully comply with any term or condition of probation is a violation of
3 probation.

4 A. If Respondent commits a major violation of probation as defined by section
5 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
6 one or more of the following actions:

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

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

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

19 B. If Respondent commits a minor violation of probation as defined by section
20 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
21 one or more of the following actions:

22 (1) Issue a cease-practice order;

23 (2) Order practice limitations;

24 (3) Order or increase supervision of Respondent;

25 (4) Order increased documentation;

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

27 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in
28 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of

1 Regulations, at Respondent's expense;

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

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

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

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

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

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

25 ///

26 ///

27 ///

28 ///

1 11. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
2 ordered to reimburse the Board its costs of investigation and enforcement, including, but not
3 limited to, expert review, accusation, legal reviews, and investigation(s), in the amount of
4 \$20,000.00 (twenty thousand dollars). Costs shall be payable to the Medical Board of California.
5 Failure to pay such costs shall be considered a violation of probation.

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

10 The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to
11 repay investigation and enforcement costs, including expert review costs.

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

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

17 13. GENERAL PROBATION REQUIREMENTS.

18 Compliance with Probation Unit

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

20 Address Changes

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

26 Place of Practice

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

1 facility.

2 License Renewal

3 Respondent shall maintain a current and renewed California physician's and surgeon's
4 license.

5 Travel or Residence Outside California

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

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

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

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

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

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

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

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

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

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

26 18. LICENSE SURRENDER. Following the effective date of this Decision, if
27 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
28 the terms and conditions of probation, Respondent may request to surrender his or her license.

1 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
2 determining whether or not to grant the request, or to take any other action deemed appropriate
3 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
4 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
5 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
6 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
7 application shall be treated as a petition for reinstatement of a revoked certificate.

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

13 20. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
14 a new license or certification, or petition for reinstatement of a license, by any other health care
15 licensing action agency in the State of California, all of the charges and allegations contained in
16 Accusation No. 800-2022-088916 shall be deemed to be true, correct, and admitted by
17 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
18 restrict license.

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ACCEPTANCE

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

DATED: 08/24/2023  M.D.
BRYCE ANDREW MORTON, M.D.
Respondent

I have read and fully discussed with Respondent Bryce Andrew Morton, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: August 25, 2023 
RAYMOND J. MCMAHON, ESQ.
Attorney for Respondent

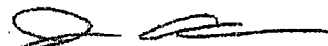
ENDORSEMENT

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

DATED: 8/25/2023

Respectfully submitted,

ROB BONTA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General



JASON J. AHN
Deputy Attorney General
Attorneys for Complainant

SD2022802002
83990105.docx

1 ROB BONTA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 JASON J. AHN
Deputy Attorney General
4 State Bar No. 253172
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9433
7 Facsimile: (619) 645-2061
8 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:	Case No. 800-2022-088916
14 Bryce Andrew Morton, M.D. 15 30806 Crystallaire Drive Temecula, CA 92591-3913	A C C U S A T I O N
16 Physician's and Surgeon's 17 Certificate No. G 75727,	
18 Respondent.	

19
20 **PARTIES**

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

24 2. On or about December 14, 1992, the Medical Board issued Physician's and Surgeon's
25 Certificate No. G 75727 to Bryce Andrew Morton, 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 June 30, 2024, unless renewed.

28 ///

JURISDICTION

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

4. Section 2227 of the Code states:

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

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

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

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

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

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

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

5. Section 2228.1 of the Code states.

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

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

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

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

5 "..."

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

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

15 (c) A licensee shall not be required to provide a disclosure pursuant to
16 subdivision (a) if any of the following applies:

17 (1) The patient is unconscious or otherwise unable to comprehend the
18 disclosure and sign the copy of the disclosure pursuant to subdivision (b) and a
19 guardian or health care surrogate is unavailable to comprehend the disclosure and
20 sign the copy.

21 (2) The visit occurs in an emergency room or an urgent care facility or the visit
22 is unscheduled, including consultations in inpatient facilities.

23 (3) The licensee who will be treating the patient during the visit is not known to
24 the patient until immediately prior to the start of the visit.

25 (4) The licensee does not have a direct treatment relationship with the patient.

26 (d) On and after July 1, 2019, the board shall provide the following
27 information, with respect to licensees on probation and licensees practicing under
28 probationary licenses, in plain view on the licensee's profile page on the board's
online license information internet web site.

(1) For probation imposed pursuant to a stipulated settlement, the causes
alleged in the operative accusation along with a designation identifying those causes
by which the licensee has expressly admitted guilt and a statement that acceptance of
the settlement is not an admission of guilt.

(2) For probation imposed by an adjudicated decision of the board, the causes
for probation stated in the final probationary order.

(3) For a licensee granted a probationary license, the causes by which the
probationary license was imposed.

(4) The length of the probation and end date.

(5) All practice restrictions placed on the license by the board.

(e) Section 2314 shall not apply to this section.

1 6. Section 2234 of the Code, states:

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

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

7 (b) Gross negligence.

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

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

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

20 (d) Incompetence.

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

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

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

28 7. Section 2236 of the Code states:

 (a) The conviction of any offense substantially related to the qualifications,
 functions, or duties of a physician and surgeon constitutes unprofessional conduct
 within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record
 of conviction shall be conclusive evidence only of the fact that the conviction
 occurred.

 (b) The district attorney, city attorney, or other prosecuting agency shall notify
 the Medical Board of the pendency of an action against a licensee charging a felony
 or misdemeanor immediately upon obtaining information that the defendant is a
 licensee. The notice shall identify the licensee and describe the crimes charged and
 the facts alleged. The prosecuting agency shall also notify the clerk of the court in
 which the action is pending that the defendant is a licensee, and the clerk shall record
 prominently in the file that the defendant holds a license as a physician and surgeon.

 (c) The clerk of the court in which a licensee is convicted of a crime shall,

1 within 48 hours after the conviction, transmit a certified copy of the record of
2 conviction to the board. The division may inquire into the circumstances surrounding
3 the commission of a crime in order to fix the degree of discipline or to determine if
4 the conviction is of an offense substantially related to the qualifications, functions, or
5 duties of a physician and surgeon.

6 (d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is
7 deemed to be a conviction within the meaning of this section and Section 2236.1.
8 The record of conviction shall be conclusive evidence of the fact that the conviction
9 occurred.

10 8. Section 2237 of the Code states:

11 (a) The conviction of a charge of violating any federal statutes or regulations or
12 any statute or regulation of this state, regulating dangerous drugs or controlled
13 substances, constitutes unprofessional conduct. The record of the conviction is
14 conclusive evidence of such unprofessional conduct. A plea or verdict of guilty or a
15 conviction following a plea of nolo contendere is deemed to be a conviction within
16 the meaning of this section.

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

25 9. Section 2238 of the Code states:

26 A violation of any federal statute or federal regulation or any of the statutes or
27 regulations of this state regulating dangerous drugs or controlled substances
28 constitutes unprofessional conduct.

10. Section 2239 of the Code states:

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

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

1 information, or indictment.

2 11. Section 2266 of the Code states: The failure of a physician and surgeon to maintain
3 adequate and accurate records relating to the provision of services to their patients constitutes
4 unprofessional conduct.

5 12. California Code of Regulations, title 16, section 1360, states:

6 For the purposes of denial, suspension or revocation of a license, certificate or
7 permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime
8 or act shall be considered to be substantially related to the qualifications, functions or
9 duties of a person holding a license, certificate or permit under the Medical Practice
10 Act if to a substantial degree it evidences present or potential unfitness of a person
11 holding a license, certificate or permit to perform the functions authorized by the
12 license, certificate or permit in a manner consistent with the public health, safety or
13 welfare. Such crimes or acts shall include but not be limited to the following:
14 Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
15 violation of, or conspiring to violate any provision of the Medical Practice Act.

12 13. Section 820 of the Code states:

13 Whenever it appears that any person holding a license, certificate or permit
14 under this division or under any initiative act referred to in this division may be
15 unable to practice his or her profession safely because the licentiate's ability to
16 practice is impaired due to mental illness, or physical illness affecting competency,
17 the licensing agency may order the licentiate to be examined by one or more
18 physicians and surgeons or psychologists designated by the agency. The report of the
19 examiners shall be made available to the licentiate and may be received as direct
20 evidence in proceedings conducted pursuant to Section 822.

17 14. Section 822 of the Code states:

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

21 (a) Revoking the licentiate's certificate or license.

22 (b) Suspending the licentiate's right to practice.

23 (c) Placing the licentiate on probation.

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

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

28 ///

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

6 COST RECOVERY

7 16. Business and Professions Code section 125.3 states that:

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

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

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

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

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

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

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

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

costs.

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

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

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

FIRST CAUSE FOR DISCIPLINE

(Conviction of Crimes Substantially Related to Qualifications, Functions or Duties of a Physician and Surgeon)

17. Respondent has subjected his Physician's and Surgeon's Certificate No. G 75727 to disciplinary action under sections 2227 and 2234, as defined by sections 2236 and 2273, of the Code, and section 1360 of title 16 of the California Code of Regulations, in that he has been convicted of crimes substantially related to the qualifications, functions, or duties of a physician and surgeon, as more particularly alleged herein:

18. On or about May 23, 2022, B.L., who works at U-Haul, was at work when Respondent arrived at the U-Haul location at 28781 Old Town Front Street, Temecula, CA 92590. Respondent pulled into the parking lot to drop off a rented trailer. As Respondent was backing up the trailer, Respondent struck another parked trailer. Respondent parked the rented trailer and checked out his reservation with B.L. After approximately 15 minutes, B.L. noticed Respondent was still parked in his vehicle in the U-Haul parking lot. B.L. approached Respondent, which startled Respondent. B.L. asked Respondent if everything was all right, to which Respondent replied yes. As Respondent was speaking to B.L., B.L. observed an orange syringe tip in the cheek of Respondent's mouth. Respondent had an excitable demeanor. After their verbal encounter, Respondent pulled out of the driveway of the U-Haul store.

19. On or about May 23, 2022, Officer Hansen from Riverside County Sheriff's Department received a call for a possible intoxicated driver in the area of Santiago Road and Old Town Front Street in Temecula, CA. Officer Hansen received statements from several witnesses and Riverside County Fire personnel. Officer Hansen conducted a field sobriety test on

1 Respondent and [based on his training and experience] opined that Respondent was under the
2 influence of drug(s) and impaired for the purposes of driving. Officer Hansen then placed
3 Respondent under arrest for driving under the influence of drug(s). During a subsequent search of
4 Respondent's vehicle, Officer Hansen located two glass vials. On glass vial was labeled
5 Midazolam¹ with a lot number of 186205 and the other glass vial was labeled Fentanyl.² On June
6 8, 2022, Officer Hansen executed a search warrant at Murrieta Valley Surgical Center, in
7 Wildomar, California. Officer Hansen made contact with Director of Nursing, N.A. Officer
8 Hansen was able to match the vial of Midazolam found inside Respondent's car at the time of the
9 DUI with the lot number of Midazolam at the facility. Officer Hansen stated that he was unable to
10 match the Fentanyl to a lot number because that specific manufacturer does not have lot numbers
11 associated with Murrieta Valley Surgical Center's medications.

12 20. On or about September 19, 2022, a criminal complaint was filed against
13 Respondent in the case entitled *The People of the State of California v. Bruce Andrew*
14 *Morton, Superior Court of California, County of Riverside*, Case No. SWF2201645,
15 charging Respondent with the following counts:

16 A. Count 1 – Above named defendant [Respondent] committed a violation
17 of Health and Safety Code section 11173, subdivision (a), a felony, in that on or about
18 and May 23, 2022, in the County of Riverside, State of California, the defendant
19 [Respondent] did willfully and unlawfully obtain and attempt to obtain, and procure
20 and attempt to procure the administration of and prescription for a controlled
21 substance, to wit: Midazolam, by fraud, deceit, misrepresentation, and subterfuge and
22 by the concealment of a material fact.

23 B. Count 2 – Above named defendant [Respondent] committed a violation
24 of Health and Safety Code section 11173, subdivision (a), a felony, in that on or about

25
26 ¹ Midazolam, sold under the brand name Versed, among others, is a controlled substance
27 [benzodiazepine] used for anesthesia and procedural sedation, and to severe agitation. It works
28 by inducing sleepiness, decreasing anxiety, and causing a loss of ability to create new memories.

² Fentanyl is a highly potent synthetic opioid used as an analgesic.

1 May 23, 2022, in the County of Riverside, State of California, the defendant
2 [Respondent] did willfully and unlawfully obtain and attempt to obtain, and procure
3 and attempt to procure the administration of and prescription for a controlled
4 substance, to wit: Fentanyl Citrate, by fraud, deceit, misrepresentation, and subterfuge
5 and by the concealment of a material fact.

6 C. Count 3 – The above named defendant [Respondent] committed a
7 violation of Vehicle Code section 23152, subdivision (f), a misdemeanor, in that on or
8 about May 23, 2022, in the County of Riverside, State of California, the defendant
9 [Respondent] did willfully and unlawfully drive a vehicle while under the influence
10 of any drug.

11 D. Count 4 – The above named defendant [Respondent] committed a
12 violation of Health and Safety Code section 11350, subdivision (a), a misdemeanor,
13 in that on or about May 23, 2022, in the County of Riverside, State of California, the
14 defendant [Respondent] did willfully and unlawfully have in his possession a
15 controlled substance, to wit, Midazolam.

16 E. Count 5 – The above named defendant [Respondent] committed a
17 violation of Health and Safety Code section 11350, subdivision (a), a misdemeanor,
18 in that on or about May 23, 2022, in the County of Riverside, State of California, the
19 defendant [Respondent] did willfully and unlawfully have in his possession a
20 controlled substance, to wit, Fentanyl Citrate.

21 21. On or about December 22, 2022, Respondent pled guilty to Count 3 [VC 23152(f)]
22 and Count 5 [HS 11350(a)] and was sentenced to, among other terms and conditions: three (3)
23 years probation, eighty (80) days in custody, completion of 1st Offender Impaired Driver
24 Program, attendance at fifty (50) substance abuse program counseling sessions, and various fines
25 and fees.

26 ///

27 ///

28 ///

1 **SECOND CAUSE FOR ACTION**

2 **(Conviction for Violating a Federal or State Statute Regulating Dangerous Drugs or**
3 **Controlled Substances)**

4 22. Respondent has subjected his Physician's and Surgeon's Certificate No. G 75727 to
5 disciplinary action under sections 2227 and 2234, as defined by sections 2237, of the Code, in
6 that he has been convicted of a charge of violating any federal statute or regulations or any statute
7 or regulation of this state, regulating dangerous drugs or controlled substances, as more
8 particularly alleged herein:

9 23. Paragraphs 17 through 21, above, are hereby incorporated by reference and realleged
10 as if fully set forth herein.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Violation of Statute or Regulation of this State Regulating Dangerous Drugs or**
13 **Controlled Substances)**

14 24. Respondent has subjected his Physician's and Surgeon's Certificate No. G 75727 to
15 disciplinary action under sections 2227 and 2234, as defined by sections 2238, of the Code, in
16 that he has violated a statute or regulation of this state, regulating dangerous drugs or controlled
17 substances, as more particularly alleged herein.

18 25. Paragraphs 17 through 21, above, are hereby incorporated by reference and realleged
19 as if fully set forth herein.

20 **FOURTH CAUSE FOR DISCIPLINE**

21 **(Excessive Use Of Alcohol And/Or Drug(s))**

22 26. Respondent has subjected his Physician's and Surgeon's Certificate No. G 75727 to
23 disciplinary action under sections 2227 and 2234, as defined by sections 2239, of the Code, in
24 that he has used dangerous drug(s) to the extent, or in such a manner as to be dangerous or
25 injurious to the licensee or any other person or to the public, and/or to the extent that such use
26 impaired his ability to practice medicine safely, as more particularly alleged herein.

27 27. Paragraphs 17 through 21, above, are hereby incorporated by reference and realleged
28 as if fully set forth herein.

1 FIFTH CAUSE FOR ACTION

2 (Physical or Mental Illness Affecting Competency)

3 28. Respondent's Physician's and Surgeon's Certificate No. G 75727 is subject to action
4 under section 822 of the Code in that he suffers from a mental and/or physical illness affecting
5 competency.

6 29. On or about November 16, 2022, Respondent underwent a mental evaluation by D.S.,
7 M.D., pursuant to section 820 of the Code. On or about December 12, 2022, Dr. D.S. issued his
8 expert report and concluded, among other things, that Respondent is unable to practice medicine
9 safely without restrictions and/or limitations.

10 SIXTH CAUSE FOR DISCIPLINE

11 (General Unprofessional Conduct)

12 30. Respondent has further subjected his Physician's and Surgeon's Certificate No. G
13 75727 to disciplinary action under sections 2227 and 2234 of the Code, in that he has engaged in
14 conduct which breaches the rules or ethical code of the medical profession, or conduct which is
15 unbecoming of a member in good standing of the medical profession, and which demonstrates an
16 unfitness to practice medicine, as more particularly alleged in paragraphs 17 through 29, above,
17 which are hereby incorporated by reference as if fully set forth herein.

18 PRAAYER

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

21 1. Revoking or suspending Physician's and Surgeon's Certificate NO. G 75727, issued
22 to Respondent Bryce Andrew Morton, M.D.;

23 2. Revoking, suspending or denying approval of Respondent Bryce Andrew Morton,
24 M.D.'s authority to supervise physician assistants and advanced practice nurses;

25 3. Ordering Respondent Bryce Andrew Morton, M.D., to pay the Board the costs of the
26 investigation and enforcement of this case, and if placed on probation, the costs of probation
27 monitoring;

28 ///

1 4. Ordering Respondent Bryce Andrew Morton, M.D., if placed on probation, to provide
2 patient notification in accordance with Business and Professions Code section 2228.1; and

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

5 DATED: MAY 04 2023

JENNA JONES FOX
REJI VARGHESE
Interim Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28