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

In the Matter of the Accusation Against:

Cecelia Theresa Madrid, M.D.

Physician's & Surgeon's Certificate No. G 48480

Case No. 800-2021-077174

Respondent.

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 February 21, 2024.

IT IS SO ORDERED: <u>January 22, 2024</u>.

MEDICAL BOARD OF CALIFORNIA

Richard E. Thorp, Chair

Panel B

| 1 | ROB BONTA Attorney General of California | | | |
|----|---|--|--|--|
| 2 | JUDITH T. ALVARADO Supervising Deputy Attorney General | | | |
| 3 | LATRICE R. HEMPHILL Deputy Attorney General | | | |
| 4 | State Bar No. 285973 300 So. Spring Street, Suite 1702 | | | |
| 5 | Los Angeles, CA 90013 Telephone: (213) 269-6198 | | | |
| 6 | Facsimile: (916) 731-2117 Attorneys for Complainant | | | |
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| 8 | BEFORE THE MEDICAL BOARD OF CALIFORNIA | | | |
| 9 | DEPARTMENT OF CONSUMER AFFAIRS | | | |
| 10 | STATE OF CA | ALIFORNIA | | |
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| 12 | In the Matter of the Accusation Against: | Case No. 800-2021-077174 | | |
| 13 | CECELIA THERESA MADRID, M.D. 2701 W. Alameda Avenue, Suite 500 | OAH No. 2023040800 | | |
| 14 | Burbank, CA 91505-4402 | STIPULATED SETTLEMENT AND DISCIPLINARY ORDER | | |
| 15 | Physician's and Surgeon's Certificate No. G 48480, | DISCH EINART ORDER | | |
| 16 | Respondent. | | | |
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| 18 | | The state of the charge | | |
| 19 | IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above- | | | |
| 20 | entitled proceedings that the following matters are true: | | | |
| 21 | PARTIES | | | |
| 22 | 1. Reji Varghese (Complainant) is the Executive Director of the Medical Board of | | | |
| 23 | California (Board). He brought this action solely in his official capacity and is represented in this | | | |
| 24 | matter by Rob Bonta, Attorney General of the State of California, by Latrice R. Hemphill, Deputy | | | |
| 25 | Attorney General. | | | |
| 26 | 2. Respondent Cecelia Theresa Madrid, M.D. (Respondent) is represented in this | | | |
| 27 | proceeding by attorney Peter R. Osinoff, Esq., whose address is: 355 South Grand Avenue, Suite | | | |
| 28 | 1750, Los Angeles, CA 90071. | | | |
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3. On or about August 2, 1982, the Board issued Physician's and Surgeon's Certificate No. G 48480 to Cecelia Theresa Madrid, 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. 800-2021-077174, and will expire on March 31, 2024, unless renewed.

JURISDICTION

- 4. Accusation No. 800-2021-077174 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 March 23, 2023. Respondent timely filed her Notice of Defense contesting the Accusation.
- 5. A copy of Accusation No. 800-2021-077174 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

- 6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2021-077174. Respondent has also carefully read, fully discussed with her counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.
- 7. Respondent is fully aware of her 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 her; the right to present evidence and to testify on her 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.

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2021-077174, if proven at a hearing, constitute cause for imposing discipline upon her Physician's and Surgeon's Certificate.

- 10. Respondent does not contest that, at an administrative hearing, complainant could establish a prima facie case with respect to the charges and allegations in Accusation No. 800-2021-077174, a true and correct copy of which is attached hereto as Exhibit A, and that she has thereby subjected her Physician's and Surgeon's Certificate, No. G 48480 to disciplinary action.
- 11. Respondent agrees that her Physician's and Surgeon's Certificate is subject to discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

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

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DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 48480 issued to Respondent Cecelia Theresa Madrid, M.D. is hereby Publicly Reprimanded pursuant to California Business and Professions Code section 2227, subdivision (a)(4). This Public Reprimand, which is issued in connection with Accusation No. 800-2021-077174, is as follows:

Between 2017 through 2020, you provided care and treatment to two patients that involved prescribing controlled substances. During that time, you maintained incomplete and unclear records for both patients, as more fully described in Accusation No. 800-2021-077174.

PRESCRIBING PRACTICES COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in prescribing practices approved in advance by the Board or its designee. Respondent shall provide the approved course provider with any information and documents that the approved course provider may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The prescribing practices course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

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

MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective 2. date of this Decision, Respondent shall enroll in a course in medical record keeping approved in advance by the Board or its designee. Respondent shall provide the approved course provider

with any information and documents that the approved course provider may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The medical record keeping course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A medical record keeping course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Board or its designee had the course been taken after the effective date of this Decision.

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

INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby 3. ordered to reimburse the Board its costs of investigation and enforcement in the amount of \$18,000.00 (eighteen thousand dollars and zero cents). Costs shall be payable to the Medical Board of California. Failure to pay such costs shall be considered a violation of probation.

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

The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to repay investigation and enforcement costs.

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| ۱ | <u>ACCEPTANCE</u> | | |
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| | I have carefully read the above Stipulated Settlement and Disciplinary Order and have full | | |
| | discussed it with my attorney, Peter R. Osinoff, Esq. I understand the stipulation and the effect | | |
| | will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and | | |
| 5 | Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the | | |
| 5 | Decision and Order of the Medical Board of California. | | |
| 7 | $(\vee / \neg /$ | | |
| 8 | DATED: 10/23/2023 CECELIA THERESA MADRID, M.D. | | |
| 9 | CECELIA THERESA MADRID, M.D. Respondent | | |
| 0 | I have read and fully discussed with Respondent Cecelia Theresa Madrid, M.D. the terms | | |
| 1 | and conditions and other matters contained in the above Stipulated Settlement and Disciplinary | | |
| 12 | Order. I approve its form and content. | | |
| 13 | DATED: 10/31/2023 | | |
| 14 | PETER R. OSINOFF, ESQ. Attorney for Respondent | | |
| 15 | | | |
| 16 | <u>ENDORSEMENT</u> | | |
| 17 | The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully | | |
| 18 | submitted for consideration by the Medical Board of California. | | |
| 19 | | | |
| 20 | ROB BONTA | | |
| 21 | II IUDITH T. ALVARADO | | |
| 22 | Supervising Deputy Attorney General | | |
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| 2 | Deputy Attorney General | | |
| 2 | Attorneys for Complainant | | |
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STIPULATED SETTLEMENT (800-2021-077174)

ACCEPTANCE 1 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully 2 discussed it with my attorney, Peter R. Osinoff, Esq. I understand the stipulation and the effect it 3 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and 4 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the 5 Decision and Order of the Medical Board of California. 6 7 DATED: 8 CECELIA THERESA MADRID, M.D. 9 Respondent I have read and fully discussed with Respondent Cecelia Theresa Madrid, M.D. the terms 10 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary 11 Order. I approve its form and content. 12 13 DATED: PETER R. OSINOFF, ESQ. 14 Attorney for Respondent 15 **ENDORSEMENT** 16 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully 17 submitted for consideration by the Medical Board of California. 18 19 DATED: October 31, 2023 Respectfully submitted, 20 ROB BONTA Attorney General of California 21 JUDITH T. ALVARADO Supervising Deputy Attorney General 22 templu 23 24 LATRICE R. HEMPHILL Deputy Attorney General 25 Attorneys for Complainant 26

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| 1 | ROB BONTA | | | |
| 2 | Attorney General of California JUDITH T. ALVARADO | | | |
| 3 | Supervising Deputy Attorney General LATRICE R. HEMPHILL | | | |
| 4 | Deputy Attorney General State Bar No. 285973 | | | |
| 5 | 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 | | | |
| 6 | Telephone: (213) 269-6198 Facsimile: (916) 731-2117 | | | |
| 7 | Attorneys for Complainant | | | |
| 8 | BEFORE THE | | | |
| 9 | MEDICAL BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS | | | |
| 10 | STATE OF CALIFORNIA | | | |
| 11 | | | | |
| 12 | In the Matter of the Accusation Against: | Case No. 800-2021-077174 | | |
| 13 | CECELIA THERESA MADRID, M.D. 2701 W. Alameda Avenue, Suite 500 | ACCUSATION | | |
| 14 | Burbank, CA 91505-4402 | | | |
| 15 | Physician's and Surgeon's Certificate No. G 48480, | | | |
| 16 | Respondent. | | | |
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| 19 | PARTIES | | | |
| 20 | 1. Reji Varghese (Complainant) brings this Accusation solely in his official capacity as | | | |
| 21 | the Interim Executive Director of the Medical Board of California, Department of Consumer | | | |
| 22 | Affairs (Board). | | | |
| 23 | 2. On or about August 2, 1982, the Medical Board issued Physician's and Surgeon's | | | |
| 24 | Certificate Number G 48480 to Cecelia Theresa Madrid, M.D. (Respondent). The Physician's | | | |
| 25 | and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought | | | |
| 26 | herein and will expire on March 31, 2024, unless renewed. | | | |
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| | (CECELIA THERESA MADRID, M.D.) ACCUSATION NO. 800-2021-077174 | | | |

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.

STATUTORY PROVISIONS

5. Section 2234 of the Code, states:

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

- (a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.
 - (b) Gross negligence.
- (c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

- (1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.
- (2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.
 - (d) Incompetence.
- (e) The commission of any act involving dishonesty or corruption that is substantially related to the qualifications, functions, or duties of a physician and surgeon.
 - (f) Any action or conduct that would have warranted the denial of a certificate.
- (g) The failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.
- 6. Section 2266 of the Code states: The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct.

COST RECOVERY

- 7. Section 125.3 of the Code states:
- (a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board, upon request of the entity bringing the proceeding, the administrative law judge may direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.
- (b) In the case of a disciplined licensee that is a corporation or a partnership, the order may be made against the licensed corporate entity or licensed partnership.
- (c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the entity bringing the proceeding or its designated representative shall be prima facie evidence of reasonable costs of investigation and prosecution of the case. The costs shall include the amount of investigative and enforcement costs up to the date of the hearing, including, but not limited to, charges imposed by the Attorney General.
- (d) The administrative law judge shall make a proposed finding of the amount of reasonable costs of investigation and prosecution of the case when requested pursuant to subdivision (a). The finding of the administrative law judge with regard to costs shall not be reviewable by the board to increase the cost award. The board may reduce or eliminate the cost award, or remand to the administrative law judge if the proposed decision fails to make a finding on costs requested pursuant to

- 10. Per CURES (Controlled Substance Utilization Review and Evaluation System, a drug monitoring database for Schedule II through V controlled substances dispensed in California), between September to December 2018, Respondent prescribed Patient 1 Promethazine with Codeine, as well as simultaneous benzodiazepine prescriptions for lorazepam (a sedative used to treat anxiety) and temazepam (a sedative used to treat insomnia). Respondent also prescribed Patient 1 Lyrica (a nerve pain medication) on at least two occasions.
- 11. During Patient 1's treatment period, Respondent maintained medical records pertaining to each of Patient 1's visits. Each of the electronic medical record entries listed Dr. R.K. as the provider, due to an apparent system defect. Respondent routinely made handwritten notes in the records, which she signed.
- 12. In the entries dated on or about June 14, 2018, June 19, 2018, July 16, 2018, and December 3, 2018, medication reconciliation³ was not documented. Instead, the records stated "error message" under the medication reconciliation sections. On other occasions, the same medications were listed and the medication reconciliation was not updated from the previous visit.
- 13. Respondent's repeated failure to maintain clear documentation constitutes a simple departure from the standard of care.

Patient 2

14. Patient 2 is a seventy-one-year-old female, who was treated by Respondent from approximately 2017 through 2020.⁴ According to the CURES Patient Activity Report, Patient 2 was on a clonazepam⁵ regimen prior to being treated by Respondent. Respondent first prescribed Patient 2 clonazepam in February 2017.

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⁴ Again, these are approximate dates based on the medical records, which were available to the Board. Patient 2 may have treated with Respondent before or after these dates.

²⁵ Medication reconciliation is the process of identifying the most accurate list of all the medications that a patient is taking, including name, dosage, frequency, and route, by comparing the medical record to an external list of medications obtained from a patient, hospital, or other provider. Medication reconciliation is expected to ensure patient safety and quality of care.

⁵ Clonazepam is a Schedule IV benzodiazepine used for the acute management of panic disorders and epilepsy.

- 15. Patient 2 presented to Respondent in June 2018 for pre-operative clearance for a breast lumpectomy and right axillary node biopsy. Patient 2's medical concerns also included hypothyroidism, major depression, and bilateral hand pain.
- 16. On or about July 2, 2018, Patient 2 was diagnosed as having breast cancer. The treatment plan included radiation therapy to address the cancer.
- 17. On or about April 11, 2019, Patient 2 presented to Respondent for a breast cancer follow-up and to address her anxiety, which was exacerbated by the cancer diagnosis. Respondent's treatment plan included a referral to a specialist and an order to continue with Patient 2's current medications, which included clonazepam and Lexapro (an antidepressant used to treat anxiety and depression).
- 18. Between June 2018 and June 2019, Patient 2 was prescribed a stable dose of 1 milligram of clonazepam, to be taken three times daily.
- 19. On or about June 24, 2019 and July 16, 2019, Patient 2 presented to Respondent to address her anxiety and depression. Following the June 24, 2019 appointment, Respondent increased Patient 2's clonazepam dosage to 1 milligram four times daily. This increased dosage continued through December 2019.
- 20. In or about January 2020, Patient 2 was placed back on a 1 milligram of clonazepam, three times daily, regimen.
- 21. On or about February 20, 2020 and August 21, 2020, Patient 2 again presented to Respondent to address her anxiety and depression. Respondent continued Patient 2 on Lexapro and again increased her clonazepam dosage to 1 milligram four times daily.
- 22. Patient 2 continued on the increased clonazepam dosage until the patient-doctor relationship ended.
- 23. The standard of care requires routine urine toxicology screening to ensure a patient is taking long-acting benzodiazepines⁶ as prescribed and to rule out diversion. Further, patients should be routinely monitored for clinical response and CURES activity should be monitored.

⁶ Benzodiazepines are a class of depressant drugs that produce sedation and hypnosis, relieve anxiety and muscle spasms, and reduce seizures.

- 24. Though not documented in the medical records, Respondent indicated that she reviewed Patient 2's CURES activity report. However, Respondent failed to administer routine urine toxicology screening to rule out diversion. This failure constitutes a simple departure from the standard of care.
- 25. During Patient 2's treatment period, Respondent maintained medical records pertaining to each of Patient 2's visits. Each of the electronic medical record entries listed Dr. R.K. as the provider, due to an apparent system defect. Respondent routinely made handwritten notes in the records, which she signed. Several of the medical record entries failed to correctly document Patient 2's medications in the medication reconciliation. Some records included an error message in the medication reconciliation section. Respondent's repeated failure to maintain clear documentation constitutes a simple departure from the standard of care.

SECOND CAUSE FOR DISCIPLINE

(Failure to Maintain Adequate Records)

26. By reason of the facts and allegations set forth in the First Cause for Discipline in paragraphs 9 through 25, above, Respondent is subject to disciplinary action under section 2266 of the Code in that Respondent failed to maintain accurate records of her care and treatment of Patients 1 and 2.

DISCIPLINARY CONSIDERATIONS

27. To determine the degree of discipline, if any, to be imposed on Respondent,
Complainant alleges that on or about October 20, 2011, in a prior disciplinary action titled In the
Matter of the Accusation Against Cecelia Theresa Madrid, M.D. before the Medical Board of
California, in Case Number 06-2007-184583, Respondent's license was revoked, with the
revocation stayed for a period of seven (7) years, subject to terms and conditions. This action was
taken due to sustained allegations of gross negligence, repeated negligent acts, prescribing
without an appropriate examination, failure to maintain adequate medical records, and excessive
prescribing. That decision is now final and is incorporated by reference as if fully set forth
herein.

(CECELIA THERESA MADRID, M.D.) ACCUSATION NO. 800-2021-077174