

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

In the Matter of the Accusation
Against:

Thomas Andrew Gonda Jr., M.D.

Physician's & Surgeon's
Certificate No. G 60409

Respondent.

Case No. 800-2019-063160

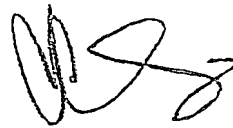
DECISION

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 April 17, 2024.

IT IS SO ORDERED: March 18, 2024.

MEDICAL BOARD OF CALIFORNIA



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

1 ROB BONTA
Attorney General of California
2 GREG W. CHAMBERS
Supervising Deputy Attorney General
3 State Bar No. 237509
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3382
5 Facsimile: (415) 703-5480
Attorneys for Complainant
6

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

11 In the Matter of the Accusation Against:

Case No. 800-2019-063160

12 **THOMAS ANDREW GONDA, JR., M.D.**
13 **2220 Mountain Blvd, Suite 240**
Oakland, CA 94611-2905

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 **Physician's and Surgeon's Certificate No. G**
15 **60409**

16 Respondent.

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18 In the interest of a prompt and speedy settlement of this matter, consistent with the public
19 interest and the responsibility of the Medical Board of California of the Department of Consumer
20 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order
21 which will be submitted to the Board for approval and adoption as the final disposition of the
22 Accusation.

23 **PARTIES**

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

1 **CULPABILITY**

2 9. For the purpose of resolving the Accusation without the expense and uncertainty of
3 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
4 basis for the allegations in the Accusation. Respondent hereby gives up his right to contest those
5 charges.

6 10. Respondent agrees that his Physician's and Surgeon's Certificate is subject to
7 discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the
8 Disciplinary Order below.

9 **RESERVATION**

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

14 **CONTINGENCY**

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

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

28

1 Payment must be made in full within 30 calendar days of the effective date of the Order, or
2 by a payment plan approved by the Medical Board of California. Any and all requests for a
3 payment plan shall be submitted in writing by Respondent to the Board. Failure to comply with
4 the payment plan shall be deemed unprofessional conduct in violation of Business and
5 Professions Code section 2234.

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

8 **ACCEPTANCE**

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

14
15 DATED: February 28, 2024



16 THOMAS ANDREW GONDA, JR., M.D.
17 *Respondent*

18 I have read and fully discussed with Respondent Thomas Andrew Gonda, Jr., M.D. the
19 terms and conditions and other matters contained in the above Stipulated Settlement and
20 Disciplinary Order. I approve its form and content.

21 DATED: 2/29/24

22 Kevin C. Murphy
Attorney for Respondent

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ENDORSEMENT

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

DATED: 02/29/24

Respectfully submitted,

ROB BONTA
Attorney General of California

Greg W. Chambers

GREG W. CHAMBERS
Supervising Deputy Attorney General
Attorneys for Complainant

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10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 800-2019-063160

12 **THOMAS ANDREW GONDA, JR., M.D.**
13 **2220 Mountain Blvd, Suite 240**
Oakland, CA 94611-2905

A C C U S A T I O N

14 **Physician's and Surgeon's Certificate**
15 **No. G 60409,**

16 Respondent.

17
18 **PARTIES**

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

22 2. On or about June 22, 1987, the Medical Board issued Physician's and Surgeon's
23 Certificate Number G 60409 to Thomas Andrew Gonda, Jr., M.D. (Respondent). The Physician's
24 and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
25 herein and will expire on February 28, 2023, unless renewed.

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JURISDICTION

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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 provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

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.

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

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

5 **COST RECOVERY**

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

12 **DEFINITIONS**

13 7. Alprazolam, also known by the trade name Xanax, is a psychotropic triazolo analogue
14 of the 1,4 benzodiazepine class of central nervous system-active compounds. Xanax is used for
15 the management of anxiety disorders or for the short-term relief of the symptoms of anxiety. It is
16 a dangerous drug as defined in section 4022 of the Code and a schedule IV controlled substance
17 and narcotic as defined by section 11057, subdivision (d) of the Health and Safety Code.

18 8. Zolpidem, known by the trade name Ambien, is a non-benzodiazepine hypnotic of the
19 imidazopyridine class. It is a dangerous drug as defined in the Code section 4022 and a schedule
20 IV controlled substance as defined by section 11057 of the Health and Safety Code. It is
21 indicated for the short-term treatment of insomnia. It is a central nervous system depressant and
22 should be used cautiously in combination with other central nervous system depressants.

23 **CAUSE FOR DISCIPLINE**

24 (Unprofessional Conduct: Repeated Negligent Acts)

25 9. Respondent has subjected his license to disciplinary action under section 2234(c)
26 [repeated negligent acts] for unprofessional conduct, in that the care and treatment of Patient 1
27 included departures from the standard of care constituting repeated negligent acts. The
28 circumstances are as follows:

1 10. Respondent began treating Patient 1 on October 15, 2014. The female patient was
2 29-years-old at the time and recovering from psychiatric symptoms stemming from a motor
3 vehicle accident on September 1, 2014. Patient 1 complained of back and neck pain, anxiety,
4 insomnia, reduced appetite, fatigue, and cognitive symptoms. Patient 1 also reported a family
5 psychiatric history of bipolar disorder, depression, anxiety, schizophrenia, post-traumatic stress,
6 alcohol abuse, and other substance abuse.

7 11. Respondent commenced prescribing zolpidem to Patient 1 on June 15, 2015, and
8 continued to prescribe this medication on a regular basis until March 26, 2022. The average
9 doses of zolpidem prescribed by Respondent to Patient 1 were 22.6 mg. in 2016, 19.3 mg. in
10 2017, 13.4 mg. in 2018, 10.5 mg. in 2019, and 10.8 mg. in 2020. Physicians are recommended to
11 use the lowest effective dose of zolpidem and not to exceed 12.5 mg. in the extended-release
12 formulation or 10 mg. in the immediate-release formulation.

13 12. Respondent began prescribing alprazolam to Patient 1 on February 12, 2016, and
14 continued to prescribe this medication on a regular basis until March 26, 2022. Respondent wrote
15 Patient 1 multiple prescriptions for alprazolam in each of these years, prescribing an average dose
16 of 6.3 mg. in 2016, 2.2 mg. in 2017, 9.3 mg. in 2018, 4.9 mg. in 2019, and 4.1 mg. in 2020. The
17 manufacturer's labeling indicates a maximum dose of 10 mg. daily for alprazolam. Between
18 December 29, 2018 and March 1, 2019, there were several instances noted in CURES¹ when
19 Patient 1 had early refills only 5-6 days after her prior fill.

20 13. The medical records indicate that Respondent did not query the CURES database
21 until March 18, 2020, even though checking CURES was mandated in California starting in
22 October 2018. After Respondent checked CURES for Patient 1 in March 2020, Respondent did
23 not check CURES again until December 28, 2021.

24 _____
25 ¹ CURES "is California's prescription drug monitoring program. By statute, every prescription of
26 a Schedule II, III, or IV controlled substance must be logged in CURES, along with the patient's
27 name, address, telephone number, gender, date of birth, drug name, quantity, number of refills,
28 and information about the prescribing physician and pharmacy. [Citation.]" (*Lewis v. Superior
Court* (2017) 3 Cal.5th 561, 565 (*Lewis*)). The Board is authorized to access the CURES
database (*id.* at p. 567), which is maintained by the California Department of Justice (*id.* at
p. 566).

1 14. On November 10, 2018, while continuing as a treatment provider for Patient 1 –
2 prescribing alprazolam and zolpidem – Respondent purchased a home with Patient 1.
3 Respondent claims that each party contributed to the purchase: Respondent purchased 80 percent
4 and Patient 1 purchased 20 percent of the residential property.

5 15. Respondent's care and treatment of Patient 1 constitutes unprofessional conduct
6 through repeated negligence, including but not limited to the following:

7 A. Respondent failed to properly monitor Patient 1's treatment with controlled
8 substances that he was prescribing – alprazolam and zolpidem.

9 B. Respondent jointly purchased a residential property with a patient he was actively
10 treating, compromising his objectivity and effectiveness in his psychiatric care and treatment of
11 Patient 1.

12 **PRAYER**

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

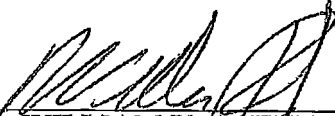
15 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 60409,
16 issued to Thomas Andrew Gonda, Jr., M.D.;

17 2. Revoking, suspending or denying approval of Thomas Andrew Gonda, Jr., M.D.'s
18 authority to supervise physician assistants and advanced practice nurses;

19 3. Ordering Thomas Andrew Gonda, Jr., M.D., to pay the Board the costs of the
20 investigation and enforcement of this case, and if placed on probation, the costs of probation
21 monitoring;

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

23
24 DATED: DEC 08 2022


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