

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

In the Matter of the Accusation
Against:

Flash Gordon, M.D.

Physician's & Surgeon's
Certificate No. G 37304

Respondent.

Case No. 800-2019-055757

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 May 24, 2024.

IT IS SO ORDERED: April 24, 2024.

MEDICAL BOARD OF CALIFORNIA



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

1 ROB BONTA
Attorney General of California
2 MICHAEL BRUMMEL
Supervising Deputy Attorney General
3 JANNSEN TAN
Deputy Attorney General
4 State Bar No. 237826
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 800-2019-055757

13 **FLASH GORDON, M.D.**
14 **1000 S Eliseo Dr # 204**
15 **Greenbrae CA 94904**

OAH No. 2023090109

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 **Physician's and Surgeon's Certificate**
17 **No. G 37304**

18 Respondent.

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 Jannsen Tan, Deputy
25 Attorney General.

26 2. Respondent Flash Gordon, M.D. (Respondent) is represented in this proceeding by
27 attorney Adam Glen Slote, Esq. whose address is: 50 California Street, 34th Floor, San
28 Francisco, CA 94111.

1 **CULPABILITY**

2 9. Respondent understands and agrees that the charges and allegations in Accusation
3 No. 800-2019-055757, if proven at a hearing, constitute cause for imposing discipline upon his
4 Physician's and Surgeon's Certificate.

5 10. Respondent agrees that, at a hearing, Complainant could establish a prima facie case
6 or factual basis for the charges in the Accusation, and that Respondent hereby gives up his right
7 to contest those charges.

8 11. Respondent does not contest that, at an administrative hearing, complainant could
9 establish a prima facie case with respect to the charges and allegations in Accusation No. 800-
10 2019-055757, a true and correct copy of which is attached hereto as Exhibit A, and that he has
11 thereby subjected his Physician's and Surgeon's Certificate, No. G 37304 to disciplinary action.

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

15 **RESERVATION**

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

20 **CONTINGENCY**

21 14. This stipulation shall be subject to approval by the Medical Board of California.
22 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
23 Board of California may communicate directly with the Board regarding this stipulation and
24 settlement, without notice to or participation by Respondent or his counsel. By signing the
25 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
26 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
27 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
28 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal

1 action between the parties, and the Board shall not be disqualified from further action by having
2 considered this matter.

3 **ADDITIONAL PROVISIONS**

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

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

10 **DISCIPLINARY ORDER**

11 **IT IS HEREBY ORDERED** that Physician's and Surgeon's Certificate No. G 37304
12 issued to Respondent Flash Gordon, M.D. shall be and is hereby publicly reprimanded pursuant to
13 California Business and Professions Code, section 2227, subdivision (a) (4). This public
14 reprimand, which is issued in connection Respondent's care and treatment of Patients A and B, as
15 set forth in Accusation No. 800-2019-059020 , is as follows:

16 "Respondent failed to adequately document the indication for prescribing benzodiazepines
17 and opioids in the care and treatment of two patients from 2018 through 2020."

18 **A. MEDICAL RECORD KEEPING COURSE**

19 Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a
20 course in medical record keeping approved in advance by the Board or its designee. Respondent
21 shall provide the approved course provider with any information and documents that the approved
22 course provider may deem pertinent. Respondent shall participate in and successfully complete
23 the classroom component of the course not later than six (6) months after Respondent's initial
24 enrollment. Respondent shall successfully complete any other component of the course within
25 one (1) year of enrollment. The medical record keeping course shall be at Respondent's expense
26 and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of
27 licensure and the coursework requirements as set forth in Condition B of this stipulated
28 settlement.

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

6 Respondent shall submit a certification of successful completion to the Board or its
7 designee not later than 15 calendar days after successfully completing the course, or not later than
8 15 calendar days after the effective date of the Decision, whichever is later. Failure to provide
9 proof of successful completion to the Board or its designee within twelve (12) months of the
10 effective date of this Decision, unless the Board or its designee agrees in writing to an extension
11 of that time, shall constitute general unprofessional conduct and may serve as the grounds for
12 further disciplinary action.

13 **B. INVESTIGATION/ENFORCEMENT COST RECOVERY.**

14 Respondent is hereby ordered to reimburse the Board its costs of investigation and
15 enforcement, including, but not limited to, expert review, legal reviews, and investigation and
16 other costs, in the amount of \$22,408.75 (twenty two thousand four hundred eight dollars and
17 seventy five cents). Costs shall be payable to the Medical Board of California. Failure to pay such
18 costs shall be considered unprofessional conduct and may serve as the grounds for further
19 disciplinary action.

20 Payment must be made in full within 30 calendar days of the effective date of the Order, or
21 by a payment plan approved by the Medical Board of California. Any and all requests for a
22 payment plan shall be submitted in writing by Respondent to the Board. Failure to comply with
23 the payment plan shall be considered unprofessional conduct and may serve as the grounds for
24 further disciplinary action.

25 The filing of bankruptcy by Respondent shall not relieve Respondent of the responsibility
26 to repay investigation and enforcement costs, including expert review costs.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Adam Glen Slote. I 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 agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 12 / 07 / 2023



FLASH GORDON, M.D.
Respondent

I have read and fully discussed with Respondent Flash Gordon, 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: 12 / 07 / 2023



ADAM GLEN SLOTE
Attorney for Respondent

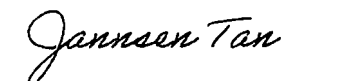
ENDORSEMENT

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

DATED: 2/1/2024

Respectfully submitted,

ROB BONTA
Attorney General of California
MICHAEL BRUMMEL
Supervising Deputy Attorney General



JANNSEN TAN
Deputy Attorney General
Attorneys for Complainant

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1 ROB BONTA
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Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 800-2019-055757

13 **FLASH GORDON, M.D.**
14 **1000 S Eliseo Dr, No. 204**
Greenbrae, CA 94904

ACCUSATION

15 **Physician's and Surgeon's**
16 **Certificate No. G 37304,**

17 Respondent.

18
19
20 **PARTIES**

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

24 2. On July 11, 1978, the Medical Board issued Physician's and Surgeon's Certificate
25 Number G 37304 to Flash Gordon, M.D. (Respondent). The Physician's and Surgeon's
26 Certificate was in full force and effect at all times relevant to the charges brought herein and will
27 expire on July 31, 2023, unless renewed.

28 ///

1 JURISDICTION

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

5 4. Section 2001.1 of the Code makes public protection the Board's highest priority.

6 5. Section 2227 of the Code states:

7 (a) A licensee whose matter has been heard by an administrative law judge of
8 the Medical Quality Hearing Panel as designated in Section 11371 of the Government
9 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:

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

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

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

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

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

19 (b) Any matter heard pursuant to subdivision (a), except for warning letters,
20 medical review or advisory conferences, professional competency examinations,
21 continuing education activities, and cost reimbursement associated therewith that are
22 agreed to with the board and successfully completed by the licensee, or other matters
23 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.

24 6. Section 2234 of the Code states:

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

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

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

9 (d) Incompetence.

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

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

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

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

23 8. The incidents alleged herein occurred in Marin County, California.

24 **FIRST CAUSE FOR DISCIPLINE**

25 **(Gross Negligence/Repeated Negligent Acts)**

26 9. Respondent Flash Gordon, M.D. is subject to disciplinary action under section
27 2234(b) or 2234(c), in that his care and treatment of Patient One¹ included departures from the
28 standard of care constituting gross negligence or, in conjunction with the other departures from
the standard of care alleged herein, repeated negligent acts. The circumstances are as follows:

10. Severe anxiety was one of the many health conditions affecting 63-year-old Patient
One when he began seeing Respondent in 2017; Patient One's medical history included diabetes,

¹ The subject patients are identified herein as Patient One and Patient Two to preserve
patient confidentiality. The patient's full names will be produced to Respondent upon request.

1 dyslipidemia, obesity, gastroesophageal reflux disease, prostatic hypertrophy, and lumbar
2 radiculopathy. Respondent began prescribing Lorazepam² to Patient One to address the patient's
3 severe anxiety in November of 2017. Respondent prescribed Lorazepam in a dose of 2 mg/day to
4 Patient One continuously through at least January 2022. Between September 2021 and January
5 2022, Respondent also prescribed Zolpidem³ (10 mg./day) to Patient One, in combination with
6 the benzodiazepine Lorazepam.

7 11. On at least three occasions—in January and December 2020, and in December 2021,
8 Respondent prescribed hydrocodone⁴ (325 mg. 3 tabs/day) to Patient One concurrently with the
9 Lorazepam.

10 12. Respondent has subjected his license to disciplinary action for unprofessional conduct
11 in that his long-term prescribing of a benzodiazepine to a patient over 65 years of age, his
12 concurrent prescribing of a benzodiazepine and the hypnotic Zolpidem to an older patient, and his
13 concurrent prescribing of a benzodiazepine and an opiate to Patient One were departures from the
14 standard of care constituting gross negligence in violation of section 2234(b) and/or, in
15 conjunction with the other departures from the standard of care alleged herein, repeated negligent
16 acts in violation of section 2234(c).

17 SECOND CAUSE FOR DISCIPLINE

18 (Gross Negligence/Repeated Negligent Acts)

19 13. Respondent is subject to disciplinary action under section 2234(b) or 2234(c), in that
20 his care and treatment of Patient Two included departures from the standard of care constituting
21

22 ² Lorazepam is a benzodiazepine and a psychotropic drug for the management of anxiety
23 disorders or for the short-term relief of the symptoms of anxiety. It is a dangerous drug as
24 defined in section 4022 of the Code and a Schedule IV controlled substance as defined by section
11057, subdivision (d) of the Health and Safety Code. It has a central nervous system depressant
effect. Lorazepam can produce psychological and physical dependence.

25 ³ Zolpidem is a non-benzodiazepine hypnotic. It is a dangerous drug as defined in section
26 4022 of the Code and a Schedule IV controlled substance as defined by section 11057 of the
Health and Safety Code. It is a central nervous system depressant and should be used cautiously
in combination with other central nervous system depressants.

27 ⁴ Hydrocodone is a semisynthetic opioid analgesic, a dangerous drug as defined in section
28 4022 of the Code and a Schedule III controlled substance and narcotic as defined by section
11056, subdivision (e) of the Health and Safety Code.

1 gross negligence or, in conjunction with the other departures from the standard of care alleged
2 herein, repeated negligent acts. The circumstances are as follows:

3 14. Respondent assumed primary care responsibility for Patient Two in or about mid-
4 2016. Patient Two presented with an extensive medical history, including atrial fibrillation,
5 coronary artery disease, type II diabetes, end-stage renal failure with dialysis, and hypertension.
6 Sixty-six year-old Patient Two's primary complaint was pain subsequent to foot amputation; his
7 prior pain specialist had prescribed hydromorphone⁵ (8 mg, 3-4 tabs/day) and methadone⁶ (10
8 mg, 10 tabs/day) for Patient Two's pain. From January 2018 through August 2019, Respondent
9 prescribed both narcotics concurrently to Patient Two, in dosages with a combined morphine
10 milligram equivalence (MME) of more than 1200 per day. Respondent did not regularly evaluate
11 the benefits and risks of his continued prescribing of high dose opioids to Patient Two over this
12 20-month period, nor is there indication in the patient's medical records that Respondent checked
13 the mandated state Controlled Substance Utilization and Review Evaluation System (CURES) for
14 all controlled substances prescribed to Patient Two during this period. Respondent did not order
15 an annual EKG for Patient Two during the period in which he was regularly prescribing
16 methadone to the patient.

17 15. Respondent has subjected his license to disciplinary action for unprofessional conduct
18 in that his failure to periodically evaluate the effects and risks of his high-dose opioid prescribing
19 to Patient Two, his failure to check the CURES report for a patient to whom he was prescribing
20 opioids, and his failure to order an EKG for Patient Two during the period in which he was
21 prescribing methadone to the patient were departures from the standard of care which, in
22 conjunction with the other departures from the standard of care alleged herein, constitute repeated
23 negligent acts in violation of section 2234(c).

24 ⁵ Hydromorphone is a hydrogenated ketone of morphine and is a narcotic analgesic. It is a
25 dangerous drug as defined in section 4022 of the Code and a Schedule II controlled substance as
defined by section 11055, subdivision (d) of the Health and Safety Code.

26 ⁶ Methadone is a synthetic narcotic analgesic with multiple actions quantitatively similar to those
27 of morphine. It is a dangerous drug as defined in section 4022 of the Code and a Schedule II
28 controlled substance and narcotic as defined by section 11055, subdivision (c) of the Health and
Safety Code.

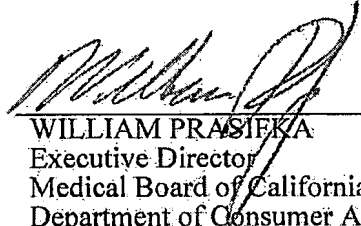
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PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number G 37304, issued to Flash Gordon, M.D.;
2. Revoking, suspending or denying approval of Flash Gordon, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Flash Gordon, M.D., to pay the Board the costs of the investigation and enforcement of this case incurred after January 1, 2022, and if placed on probation, the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: MAY 12 2022



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

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