

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

In the Matter of the Accusation
Against:

Kiernan Hale Morrow, M.D.

Case No. 800-2022-084677

Physician's and Surgeon's
Certificate No. C 156513

Respondent.

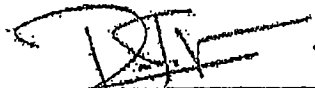
DECISION

The attached Stipulated Surrender of License and 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 July 5, 2024.

IT IS SO ORDERED June 28, 2024.

MEDICAL BOARD OF CALIFORNIA



Reji Varghese
Executive Director

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 REBECCA L. SMITH
Deputy Attorney General
4 State Bar No. 179733
300 South Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6475
6 Facsimile: (916) 731-2117
Attorneys for Complainant
7

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. 800-2022-084677

13 **KIERNAN HALE MORROW, M.D.**
14 **1525 West Cypress Creek Road**
Fort Lauderdale, Florida 33309

OAH No. 2023120210

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Physician's and Surgeon's Certificate**
16 **No. C 156513,**

Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Reji Varghese (Complainant) is the Executive Director of the Medical Board of
22 California (Board). He brought this action solely in his official capacity and is represented in this
23 matter by Rob Bonta, Attorney General of the State of California, by Rebecca L. Smith, Deputy
24 Attorney General.

25 2. Kiernan Hale Morrow, M.D. (Respondent) is represented in this proceeding by
26 attorney Robert Keith Weinberg, whose address is 19200 Von Karman Avenue, Suite 380
27 Irvine, California 92612-8508.

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1 3. On or about June 15, 2018, the Board issued Physician's and Surgeon's Certificate
2 No. C 156513 to Respondent. That license was in full force and effect at all times relevant to the
3 charges brought in Accusation No. 800-2022-084677 and expired on January 31, 2024.

4 **JURISDICTION**

5 4. Accusation No. 800-2022-084677 was filed before the Board, and is currently
6 pending against Respondent. The Accusation and all other statutorily required documents were
7 properly served on Respondent on October 30, 2023. Respondent filed his Notice of Defense
8 contesting the Accusation. A copy of Accusation No. 800-2022-084677 is attached as Exhibit A
9 and incorporated by reference.

10 **ADVISEMENT AND WAIVERS**

11 5. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 800-2022-084677. Respondent also has carefully read,
13 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License
14 and Order.

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

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

23 **CULPABILITY**

24 8. Respondent understands that the charges and allegations in Accusation No. 800-2022-
25 084677, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and
26 Surgeon's Certificate.

27 9. For the purpose of resolving the Accusation without the expense and uncertainty of
28 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual

1 basis for the charges in the Accusation and that those charges constitute cause for discipline.
2 Respondent hereby gives up his right to contest that cause for discipline exists based on those
3 charges.

4 10. Respondent understands that by signing this stipulation he enables the Board to issue
5 an order accepting the surrender of his Physician's and Surgeon's Certificate without further
6 process.

7 CONTINGENCY

8 11. Business and Professions Code section 2224, subdivision (b), provides, in pertinent
9 part, that the Medical Board "shall delegate to its executive director the authority to adopt a ...
10 stipulation for surrender of a license."

11 12. Respondent understands that, by signing this stipulation, he enables the Executive
12 Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his
13 Physician's and Surgeon's Certificate No. C 156513 without further notice to, or opportunity to be
14 heard by, Respondent.

15 13. This Stipulated Surrender of License and Disciplinary Order shall be subject to the
16 approval of the Executive Director on behalf of the Board. The parties agree that this Stipulated
17 Surrender of License and Disciplinary Order shall be submitted to the Executive Director for his
18 consideration in the above-entitled matter and, further, that the Executive Director shall have a
19 reasonable period of time in which to consider and act on this Stipulated Surrender of License and
20 Disciplinary Order after receiving it. By signing this stipulation, Respondent fully understands
21 and agrees that he may not withdraw his agreement or seek to rescind this stipulation prior to the
22 time the Executive Director, on behalf of the Medical Board, considers and acts upon it.

23 14. The parties agree that this Stipulated Surrender of License and Disciplinary Order
24 shall be null and void and not binding upon the parties unless approved and adopted by the
25 Executive Director on behalf of the Board, except for this paragraph, which shall remain in full
26 force and effect. Respondent fully understands and agrees that in deciding whether or not to
27 approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive
28 Director and/or the Board may receive oral and written communications from its staff and/or the

1 Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the
2 Executive Director, the Board, any member thereof, and/or any other person from future
3 participation in this or any other matter affecting or involving Respondent. In the event that the
4 Executive Director on behalf of the Board does not, in his discretion, approve and adopt this
5 Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it
6 shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied
7 upon or introduced in any disciplinary action by either party hereto. Respondent further agrees
8 that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason
9 by the Executive Director on behalf of the Board, Respondent will assert no claim that the
10 Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review,
11 discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or
12 of any matter or matters related hereto.

13 **ADDITIONAL PROVISIONS**

14 15. This Stipulated Surrender of License and Disciplinary Order is intended by the parties
15 herein to be an integrated writing representing the complete, final and exclusive embodiment of
16 the agreements of the parties in the above-entitled matter.

17 16. The parties agree that copies of this Stipulated Surrender of License and Disciplinary
18 Order, including copies of the signatures of the parties, may be used in lieu of original documents
19 and signatures and, further, that such copies shall have the same force and effect as originals.

20 17. In consideration of the foregoing admissions and stipulations, the parties agree the
21 Executive Director of the Board may, without further notice to or opportunity to be heard by
22 Respondent, issue and enter the following Disciplinary Order on behalf of the Board:

23 **ORDER**

24 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C 156513,
25 issued to Respondent Kiernan Hale Morrow, M.D., is surrendered and accepted by the Board.

26 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the
27 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
28 against Respondent. This stipulation constitutes a record of the discipline and shall become a part

1 of Respondent's license history with the Board.

2 2. Respondent shall lose all rights and privileges as a physician and surgeon in
3 California as of the effective date of the Board's Decision and Order.

4 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
5 issued, his wall certificate on or before the effective date of the Decision and Order.

6 4. If Respondent ever files an application for licensure or a petition for reinstatement in
7 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
8 comply with all the laws, regulations and procedures for reinstatement of a revoked or
9 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
10 contained in Accusation No. 800-2022-084677 shall be deemed to be true, correct and admitted
11 by Respondent when the Board determines whether to grant or deny the petition.

12 5. Respondent shall pay the Board its costs of investigation and enforcement in the
13 amount of \$43,696.50 prior to issuance of a new or reinstated license.

14 6. If Respondent should ever apply or reapply for a new license or certification, or
15 petition for reinstatement of a license, by any other health care licensing agency in the State of
16 California, all of the charges and allegations contained in Accusation No. 800-2022-084677 shall
17 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
18 Issues or any other proceeding seeking to deny or restrict licensure.

19 **ACCEPTANCE**

20 I have carefully read the above Stipulated Surrender of License and Order and have fully
21 discussed it with my attorney Robert Keith Weinberg. I understand the stipulation and the effect
22 it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of
23 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
24 Decision and Order of the Medical Board of California.

25
26 DATED: 6/19/24

27 
28 KIERNAN HALE MORROW, M.D.
Respondent

1 I have read and fully discussed with Respondent Kiernan Hale Morrow, M.D. the terms and
2 conditions and other matters contained in this Stipulated Surrender of License and Order. I
3 approve its form and content.

4 DATED: 6-19-24


ROBERT KEITH WEINBERG
Attorney for Respondent

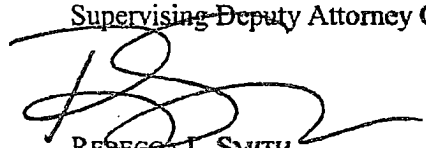
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7 **ENDORSEMENT**

8 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
9 for consideration by the Medical Board of California of the Department of Consumer Affairs.

10 DATED: 06/19/2024

Respectfully submitted,

11 ROB BONTA
Attorney General of California
12 JUDITH T. ALVARADO
Supervising Deputy Attorney General

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14 REBECCA L. SMITH
15 Deputy Attorney General
16 Attorneys for Complainant

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Exhibit A

Accusation No. 800-2022-084677

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 REBECCA L. SMITH
Deputy Attorney General
4 State Bar No. 179733
300 South Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6475
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8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
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10 **STATE OF CALIFORNIA**

11
12 In the Matter of the Accusation Against:

Case No. 800-2022-084677

13 **KIERNAN HALE MORROW, M.D.**
14 **1525 W. Cypress Creek Rd.**
Fort Lauderdale, FL 33309

A C C U S A T I O N

15 **Physician's and Surgeon's Certificate**
16 **No. C 156513,**

Respondent.
17

18
19 **PARTIES**

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

23 2. On or about June 15, 2018, the Medical Board issued Physician's and Surgeon's
24 Certificate Number C 156513 to Kiernan Hale Morrow, M.D. (Respondent). That license was in
25 full force and effect at all times relevant to the charges brought herein and will expire on January
26 31, 2024, unless renewed.

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4. Section 2004 of the Code states:

(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

(c) Carrying out disciplinary actions appropriate to findings made by a panel or an administrative law judge.

(e) Reviewing the quality of medical practice carried out by physician and surgeon certificate holders under the jurisdiction of the board.

(g) Approving clinical clerkship and special programs and hospitals for the programs in subdivision (f).

(i) Administering the board's continuing medical education program.

(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:

(2) Have his or her right to practice suspended for a period not to exceed one year 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.

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

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

9 STATUTORY PROVISIONS

10 6. Section 820 of the Code states:

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

19 7. Section 821 of the Code provides that the licentiate's failure to comply with an order
20 issued under section 820 shall constitute grounds for the suspension or revocation of the
21 licentiate's certificate or license.

22 8. Section 2234 of the Code, states:

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

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

28 (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.

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1 (d) Incompetence.

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

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

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

9 9. Section 2228.1 of the Code states.

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

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

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

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

27 (C) Criminal conviction directly involving harm to patient health.

28 (D) Inappropriate prescribing resulting in harm to patients and a probationary
period of five years or more.

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

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

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

(1) The patient is unconscious or otherwise unable to comprehend the
disclosure and sign the copy of the disclosure pursuant to subdivision (b) and a

1 guardian or health care surrogate is unavailable to comprehend the disclosure and
2 sign the copy.

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

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

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

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

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

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

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

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

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

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

23 COST RECOVERY

24 10. Section 125.3 of the Code states:

25 (a) Except as otherwise provided by law, in any order issued in resolution of a
26 disciplinary proceeding before any board within the department or before the
27 Osteopathic Medical Board, upon request of the entity bringing the proceeding, the
28 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

1 pursuant to subdivision (a). The finding of the administrative law judge with regard
2 to costs shall not be reviewable by the board to increase the cost award. The board
3 may reduce or eliminate the cost award, or remand to the administrative law judge if
4 the proposed decision fails to make a finding on costs requested pursuant to
5 subdivision (a).

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

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

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

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

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

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

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

28 **FIRST CAUSE FOR DISCIPLINE**

(Failure To Comply With An Order Issued Under Section 820)

11. Respondent is subject to disciplinary action under Section 821 of the Code in that he
failed to comply with an order issued under Section 820 of the Code, as more particularly alleged
hereinafter:

12. On or about April 28, 2023, the Board issued an order pursuant to Code section 820
(Order) compelling Respondent to undergo mental and physical examinations to determine
whether he was impaired by a mental or physical illness affecting his competency to practice
medicine. The Order required that Respondent submit to a physical and a mental examination,
each within thirty (30) days of service of the Order. The Board's Order was served on

1 Respondent's address of record on or about April 28, 2023.

2 13. On or about May 2, 2023, a Department of Consumer Affairs investigator
3 (Investigator), on behalf of the Board, mailed the Board's Order via certified and regular mail to
4 Respondent's address of record.

5 14. On or about May 9, 2023, the Investigator mailed a letter to Respondent which
6 provided the details of the physical examination, which had been scheduled for him on May 22,
7 2023, pursuant to the Order. That same day, the Investigator also mailed a letter to Respondent
8 which provided the details of the mental examination, which had been scheduled for him on May
9 24, 2023, pursuant to the Order.

10 15. On or about May 10, 2023, the Investigator received confirmation of the delivery of
11 the two letters to Respondent.

12 16. Thereafter, the Investigator continued to attempt to coordinate the mental and
13 physical examinations with Respondent.

14 17. Respondent failed to attend both the mental and physical examinations which had
15 been scheduled for him, and failed to comply with the Board's Order.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(General Unprofessional Conduct)**

18 18. Respondent is subject to disciplinary action under Code section 2234, in that his
19 actions and/or omissions represent unprofessional conduct, generally. The circumstances are as
20 follows:

21 19. The allegations of the First Cause for Discipline are incorporated herein by reference
22 as if fully set forth.

23 **PRAYER**

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

26 1. Revoking or suspending Physician's and Surgeon's Certificate Number C 156513,
27 issued to Respondent Kiernan Hale Morrow, M.D.;

28 ///

1 2. Revoking, suspending or denying approval of Respondent Kiernan Hale Morrow,
2 M.D.'s authority to supervise physician assistants and advanced practice nurses;

3 3. Ordering Respondent Kiernan Hale Morrow, M.D., to pay the Board the costs of the
4 investigation and enforcement of this case, and if placed on probation, the costs of probation
5 monitoring;

6 4. Ordering Respondent Kiernan Hale Morrow, M.D., if placed on probation, to provide
7 patient notification in accordance with Business and Professions Code section 2228.1; and

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

9
10 DATED: **OCT 30 2023**



REJI VARGHESE
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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