

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

In the Matter of the Petition to Revoke
Probation Against:

Karen Eileen Rose, M.D.

Physician's & Surgeon's
Certificate No. C 52911

Respondent.

Case No. 800-2024-104925

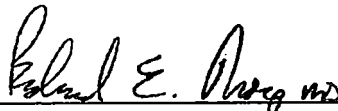
DECISION

The attached Proposed Decision 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 August 9, 2024.

IT IS SO ORDERED: July 12, 2024.

MEDICAL BOARD OF CALIFORNIA



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

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

In the Matter of the Petition to Revoke Probation Against:

KAREN EILEEN ROSE, M.D.

**Physician's and Surgeon's Certificate No. C 52911,
Respondent.**

Agency Case No. 800 2024 104925

OAH No. 2024040446

PROPOSED DECISION

Julie Cabos Owen, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on May 21 and 22, 2023. Reji Varghese (Complainant), Executive Director of the Medical Board of California (Board), was represented by Melissa M. Marquez, Deputy Attorney General. Karen Eileen Rose, M.D. (Respondent) appeared and was represented by Michael Firestone, M.D., J.D., Attorney at Law.

Testimony and documents were received in evidence. The record closed and the matter was submitted for decision on May 22, 2023.

FACTUAL FINDINGS

Jurisdictional Pleadings

1. On March 15, 2024, Complainant filed the Petition to Revoke Probation (Petition) in this matter while acting in his official capacity as the Executive Director of the Board.

2. Respondent requested a hearing on the Petition.

License History and Probation Order

3. On July 4, 2007, the Board issued Physician's and Surgeon's Certificate Number C 52911 (license) to Respondent. That license is scheduled to expire on April 30, 2025.

4. In a Decision and Order in Case Number 12-2012-222271, effective April 19, 2013, the Board adopted Respondent's Stipulated Surrender of her license. The license surrender was based on the Respondent's unprofessional conduct, gross negligence, and sexual misconduct as alleged in the underlying Accusation as follows:

Respondent specializes in family practice. At the time of the events alleged in this Accusation, Respondent and her husband, Edward Allen Rose, M.D. worked as physicians with the Permanente Medical Group in Santa Rosa, California. Patient J.L. was a patient of both Respondent and Edward Allen Rose, M.D.

[A]t some point, Respondent, Edward Allen Rose, M.D. and Patient J.L. developed a social relationship. In November

2011, Patient J.L. was at the home of Respondent and Edward Allen Rose, M.D. The three consumed large amounts of alcohol and Respondent and Edward Allen Rose, M.D. engaged in sexual activities with Patient J.L.

(Exhibit 7, p. A101.)

5. As a result of their conduct with Patient J.L., Respondent and her husband, Edward Allen Rose, M.D., were terminated from their employment at Permanente Medical Group. Edward Allen Rose, M.D. (Mr. Rose) also surrendered his California medical license. (Exhibit 4, p. A64.)

6. In a Decision and Order in Case Number 800-2019-053208, effective August 26, 2021 (Probation Order), the Board reinstated Respondent's license, immediately revoked the license, stayed the revocation, and placed Respondent on probation for five years on specified terms and conditions.

7. In granting license reinstatement, the Board noted Respondent's acceptance of responsibility and "insight into her past negative behaviors," stating:

[Respondent] now acknowledges a history of prescription drug and alcohol abuse and believes that this played a role in her misconduct with patient J.L.....[Respondent] accepted responsibility for her actions and expressed remorse for the harm she caused to her former patient.

(Exhibit 4, p. A65, A71.)

8. In granting license reinstatement, the Board also noted Respondent had been sober since August 2019, began attending Alcoholics Anonymous (AA) meetings

in April 2020, and was participating in therapy. (Exhibit 4, p. A66, A71.) The Board found Respondent had "engaged in significant rehabilitative efforts," abstained from prescription medications and alcohol, and was "fully engaged in the AA community," had a sponsor, and was working the program's 12 steps. (*Id.* at p. A71.) The Board concluded Respondent "has a strong commitment to sobriety" and "would not pose a threat to public safety, under appropriate terms and conditions [of probation]." (*Ibid.*)

9. The Probation Order terms and conditions included abstaining from the use of alcohol and the use of unauthorized controlled substances. Respondent has complied with these conditions of probation.

10. The Probation Order included Condition 18, which required Respondent to enroll in a clinical competence assessment program within 60 calendar days of the effective date of the Probation Order and to successfully complete the program no later than six months after enrollment. Condition 18 would be tolled anytime Respondent was residing outside of California and not practicing medicine.

Violation of Probation Order Condition 13

11. The terms of the Probation Order included Condition 13 which addressed the effect of any periods of non-practice of medicine. Specifically:

[Respondent] shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days and within 15 calendar days of [Respondent's] return to practice. Non-practice is defined as any period of time [Respondent] is not practicing medicine as defined in Business and Professions Code sections 2051 and 2052 for at least 40

hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board. If [Respondent] resides in California and is considered to be in non-practice, [Respondent] shall comply with all terms and conditions of probation. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice and does not relieve [Respondent] from complying with all the terms and conditions of probation. Practicing medicine in another state of the United States or Federal jurisdiction while on probation with the medical licensing authority of that state or jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-practice.

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

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[Respondent's] period of non-practice while on probation shall not exceed two years.

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

(Exhibit 4, p. A85.)

12. On October 2, 2021, Respondent spoke by telephone to Board Management Services Technician (MST) Adrienne Smith (Smith) to discuss the terms and conditions of the Probation Order. During that call, Respondent told Smith she was currently residing in Michigan but did not have a medical license there since it expired in 2010. Smith informed Respondent she was in "non-practice" for purposes of her Probation Order because she was not practicing or being monitored by the licensing authority in Michigan. Respondent inquired about whether medical writing constituted the practice of medicine. After speaking with her manager Ruben Garcia, Smith informed Respondent medical writing was not considered the practice of medicine. Respondent confirmed that she understood the terms and conditions of her probation and would comply with them. She informed Smith she was planning to move to California and would complete the Physician Assessment and Clinical Education (PACE) program at the University of California, San Diego School of Medicine (UCSD), which was required by Condition 18 prior to her practicing medicine in California.

13. On December 16, 2021, March 14, 2022, June 22, 2022, September 14, 2022, December 20, 2022, March 28, 2023, June 21, 2023, and September 26, 2023, the Board sent letters to Respondent reminding her that, pursuant to Probation Order Condition 13, she would exceed two years of non-practice on October 4, 2023. The

letters also reminded Respondent that, if her period of non-practice exceeded 18 months (by April 4, 2023), she was required to complete a Board-approved clinical competency assessment program before resuming the practice of medicine. (Exhibits 9 and 11.)

14. Respondent signed and subsequently submitted her Quarterly Declarations for the Fourth Quarter of 2021 (submitted January 2, 2022); the First, Second, Third, and Fourth Quarters of 2022 (submitted March 31, July 6, and October 2, 2022, and January 1, 2023); and the First, Second, Third Quarters of 2023 (submitted April 7, July 1, and October 2, 2023). The Quarterly Declaration forms included spaces for Respondent to list her "Primary Place of Practice," to "Indicate the number of hours worked this quarter at your primary place of practice," and to answer, "What is your work schedule at this place of practice? Include days and time." (Exhibit 10.) Respondent wrote "N/A" in the space for her primary place of practice, and "0.00" for the number of hours worked. (*Ibid.*) The form also included a space instructing Respondent to "List the name, address, and work schedule (hours/days) of any other locations where you practice medicine (i.e., convalescent/nursing homes, etc.), or indicate if there has been any change to your practice address, residence address and/or Address of Record. Provide the phone number of the Medical Director or Chief of Staff, if applicable." (*Ibid.*) Respondent wrote "N/A" in the provided space.

15. Respondent exceeded two years of non-practice on October 4, 2023, which was a violation of Probation Order Condition 13. On October 20, 2023, the Board sent Respondent a "Non-compliance" letter informing her that she had exceeded two years of non-practice.

16. Respondent testified at the administrative hearing. Her demeanor was professional and cooperative, and she presented as a credible witness.

17. Respondent acknowledged that she violated Probation Order Condition 13. She explained that she has experienced financial impediments to compliance.

18. Respondent understands that, to resume employment as a physician in California, she must complete the PACE program. However, she did not begin the PACE enrollment process until March 2023 because she did not have the funds to enroll. Respondent noted that PACE enrollment costs \$15,000, with an initial payment of \$10,500, and a second payment of several thousand dollars.

19. After surrendering their medical licenses in 2013, Respondent and her husband worked at various jobs to earn a living. Respondent initially held retail and minimum wage jobs prior to moving to Michigan. She and her husband also started a medical writing company which took a few years to become profitable.

20. Since 2017, Respondent has suffered medical problems that she believes contributed to her delay in earning money to pay for PACE. In 2017 and 2018, Respondent underwent hip replacement and knee replacement surgeries. In 2021, she developed acute back pain for which she received treatment until she lost medical insurance coverage in March 2022. She also fell on her knee replacement in October 2023, and had to seek treatment. Since Respondent's retail jobs involved standing for several hours per day, the pain from her medical conditions limited her income earning opportunities.

21. Respondent explored reinstating her medical license in Michigan to earn enough money to pay for PACE. However, she discovered difficulties reinstating her Michigan medical license while on probation in California, so she focused on complying with her Probation Order.

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22. Respondent eventually saved enough money to enroll in PACE, with the first installment of \$10,500. She sent the remainder of the \$15,000 enrollment fee and the completed registration documents on August 6, 2023. However, she did not schedule an assessment until January 2024, which she postponed until April 2024. She again postponed her April 2024 assessment because she suffered a hematoma and could not travel on an airplane for two weeks. She scheduled her in-person assessment for June 10 and 11, 2024. However, she testified she has not yet received confirmation of that scheduled assessment. She hopes to complete the assessment on June 11, 2024.

23. On October 2023 after she surpassed her two years of non-practice, Respondent spoke to Smith and informed her the reason for delay in registering for PACE was due to "financial constraints." She did not mention it to Smith before that phone call. In October 2023, Respondent did not inform Smith about her medical conditions because Respondent did not believe that information was relevant. She later informed Smith about the hematoma that prevented her from traveling to PACE in April 2024.

24. Smith testified credibly at the administrative hearing. She recalled speaking with Respondent after Respondent exceeded the allowable period of non-practice, and Respondent asked about the next steps moving forward. Respondent never mentioned to Smith that she had any medical condition preventing her from complying with Probation Order Condition 13 until April 2024, when she suffered the hematoma that prevented her from traveling by airplane to attend the PACE assessment. Prior to their October 2023 phone call, Smith did not recall Respondent stating she could not register for PACE due to financial difficulties.

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Violation of Probation Order Condition 4

25. The terms of the Probation Order included Condition 4 which stated:

[Respondent] shall immediately submit to biological fluid testing, at [Respondent's] expense, upon request of the Board or its designee. "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair follicle testing, or similar drug screening approved by the Board or its designee. [Respondent] shall make daily contact with the Board or its designee to determine whether biological fluid testing is required. [Respondent] shall be tested on the date of the notification as directed by the Board or its designee. The Board may order [Respondent] to undergo a biological fluid test on any day, at any time, including weekends and holidays. Except when testing on a specific date as ordered by the Board or its designee, the scheduling of biological fluid testing shall be done on a random basis, preferably by a computer program. The cost of biological fluid testing shall be borne by the [Respondent]. [¶] . . . [¶]

Prior to practicing medicine after the effective date of this order, [Respondent] shall contract with a laboratory or service, approved in advance by the Board or its designee, that will conduct random, unannounced, observed, biological fluid testing[.]

(Exhibit 4, pp. A75-76.)

26. As part of the Probation Order Condition 4's biological fluid testing requirement, Respondent is required to check in daily with the biological fluid testing service (initially, FS Solutions, but later changed to Vault Health), between 12:00 a.m. and 5:00 p.m., to ascertain whether she must submit to testing that day. If selected, Respondent must submit a sample that day for testing.

27. Respondent understood what was required under Probation Order Condition 4 because Board Associate Governmental Program Analyst Jennifer Saucedo explained the requirements to Respondent and sent her an August 5, 2021 letter detailing the requirements.

28. On March 19, 2022, November 12, 2023, and February 8, 2024, Respondent failed to check in with the biological fluid testing service to see if she was selected for testing. Each missed check-in was a violation of Probation Order Condition 4.

29. The Board sent Respondent Non-Compliance letters on March 21, 2022, December 1, 2023, and March 4, 2024, regarding her three missed check-ins. Each of the letter contained the following admonition:

Failure to comply with the biological fluid testing condition is considered a violation of probation. This letter serves as notice that you are in violation of the biological fluid testing condition of your probation order and continued failure to cooperate with the biological fluid testing condition could constitute grounds for further action against your license.

(Exhibit 13, pp. A256-A258.)

30. Respondent admitted violating Probation Order Condition 4 on three occasions by failing to check in with the biological fluid testing service.

31. On the first missed check-in, on March 19, 2022, Respondent recognized her lapse around 11:00 p.m. Michigan time. She immediately sent Saucedo an email, informing her of the lapse, and she drove to an approved 24-hour clinic in Detroit to provide a urine sample for submission to FS Solutions.

32. Respondent was unaware she had forgotten to check in on November 12, 2023, or February 18, 2024, until she received notifications from Saucedo.

33. Saucedo testified credibly at the administrative hearing. She has monitored Respondent for almost three years. Respondent has successfully checked in daily approximately 1,000 times. Respondent has missed only three check-ins, and she has never missed a test when selected. Respondent has never tested positive for prohibited substances.

Violation of Probation Order Condition 11

34. Condition 11 of the Probation Order states, "General Probation Requirements Compliance with Probation Unit: [Respondent] shall comply with the Board's probation unit." Condition 11 of the Probation Order is a catchall provision; any violation of probation necessarily constitutes a failure to comply with the probation unit. In failing to comply with Probation Order Conditions 13 and 4, Respondent failed to comply with the Board's probation unit in violation of Probation Order Condition 11.

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Alleged Violation of Probation Order Condition 15

35. Condition 15 of the Probation Order indicates that failure to comply with any condition is a violation of probation, sets forth the authority of the Board to revoke probation for any violation, and specifies consequences for specific types of probation violations. Specifically:

Failure to fully comply with any term or condition of probation is a violation of probation. [¶] . . . [¶]

If [Respondent] violates probation in any respect, the Board, after giving [Respondent] notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation, or petition to revoke probation, or an interim suspension order is filed against [Respondent] during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

(Exhibit 4, pp. A86-A88.)

36. Condition 15 of the Probation Order does not set forth any term or condition with which Respondent must comply through specified actions or abstinence. Rather, it merely indicates that failure to comply with any condition constitutes a violation of probation and sets forth the consequences. Consequently, Respondent did not violate Probation Order Condition 15.

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Respondent's Additional Evidence of Mitigation and Rehabilitation

37. Respondent noted that probation has "been an incredibly arduous course." However, she wants to comply with probation and to eventually return to practice. She explained that she could not practice medicine (to comply with Probation Order Condition 13) until she completed PACE, and it took a long time to earn the \$10,500 deposit for PACE, so she was "stuck." Respondent would like a chance to complete the PACE program and resume practicing in California.

38. Respondent has been sober for almost five years, since August 11, 2019. She is active in Alcoholics Anonymous (AA) and attends meetings, including Caduceus meetings (AA meetings for physicians), at least twice per week, and she serves as a sponsor and a mentor. She also helped organize a retreat for physicians and health care professionals in recovery in San Diego.

39. Since June 23, 201, Respondent has attended weekly counseling sessions with certified substance abuse therapist, Laura Gordon.

40. Ms. Gordon testified on Respondent's behalf and submitted a May 10, 2024 letter in support of Respondent's continued licensure. Ms. Gordon confirmed Respondent's dedication to sobriety, and her May 10, 2024 letter mirrored her testimony. Her letter provided in pertinent part:

[Respondent] has reported sobriety/abstinence compliance and has provided this writer with documentation of negative drug and alcohol test results for review.

[Respondent] fully participates in her weekly sessions, bringing up issues and concerns relevant to the necessary changes in behaviour [s/c] and decision-making that

accompany a growing, stable and healthy program of recovery. Additionally, [Respondent] utilizes the feedback and information provided by other healthcare professionals in recovery, addiction medicine providers and members of mutual help groups, which she attends at least three times per week. [Respondent] has given appropriate thought to her past actions and has taken full responsibility for her behaviour [*sic*] and actions while under the influence of impairing substances. She has verbalized her respect for the Medical Board of California and the held expectations to return to practicing medicine[.]

[Respondent] has high recognition for the continued need [for] structure and accountability in her recovery program. She has identified the circumstances that contributed to the loss of control and addiction to mood-altering substances and has more than sufficient insight about her mental health needs along with the other tenets that encourage continuous sobriety/abstinence and recovery. I have no concerns about [Respondent] at this time, I recommend she continue therapy and the activities that have contributed to her success.

(Exhibit F.)

41. Respondent's friend and current AA sponsor, Gerry Coleman testified on Respondent's behalf and submitted a letter in support of Respondent's continued licensure. Ms. Coleman met Respondent through AA in 2020, and became her sponsor

in 2022, when Respondent's prior sponsor retired. Ms. Coleman confirmed Respondent's dedication to sobriety, and her letter mirrored her testimony. Her letter provided in pertinent part:

I first became acquainted with [Respondent] in the Doctors and Lawyers group of Alcoholics Anonymous in March 2020 and continue to know her through her extensive participation in AA meetings, recovery, and service.

[I] have observed [Respondent] attending AA meetings continuously since I first met her in March 2020. I have observed her co-founding and implementing the "HOPE SAN DIEGO "AA conference held annually in San Diego. This is a conference which brings together professionals, doctors and lawyers, to improve addiction recovery[.....] She has demonstrated time and time again her responsibility [in] AA [by] attending meetings, serving in leadership capacities in our professional AA meetings, and helping others in AA service, including her sponsorship and mentorship. But in addition to the foregoing, it is her conscientious, educated, and rehabilitated awareness of her past wrongdoing and the dangers of addiction and how to prevent re-occurrence that allow me to offer this letter to the State Board of her rehabilitation and responsibility for the extension of her probation to pursue the practice [of] medicine.

(Exhibit C.)

42. Respondent's husband, Edward Rose, confirmed their struggles to raise \$15,000 to pay the enrollment fee for PACE. He also confirmed Respondent's AA participation and commitment to rehabilitation, noting that Respondent "is devoted to her sobriety, "is strong" in her recovery, and has "been [his] compass point for [his] own rehabilitation."

43. Smith confirmed that Respondent's demeanor is very professional. She has given Smith no attitude problems as a probationer.

LEGAL CONCLUSIONS

First Cause to Revoke Probation (Condition 13)

1. Pursuant to Probation Order Condition 13, Respondent's period of non-practice must not exceed two years. However, Respondent has not practiced medicine for almost three years since the August 26, 2021 effective date of the Probation Order. Consequently, Respondent is in violation of Probation Order Condition 13.

2. Cause exists to revoke Respondent's probation and impose the stayed revocation of Respondent's license for failure to comply with the Probation Order Condition 13 (for non-practice exceeding two years), as set forth in Factual Findings 3 through 24.

Second Cause to Revoke Probation (Condition 4)

3. Pursuant to Probation Order Condition 4, Respondent is required to check in daily with the biological fluid testing service. However, Respondent failed to do so on three occasions. Consequently, Respondent is in violation of Probation Order Condition 4.

4. Cause exists to revoke Respondent's probation and impose the stayed revocation of Respondent's license for failure to comply with the Probation Order Condition 4 (for missing three biological fluid testing check-ins), as set forth in Factual Findings 3 through 10, and 25 through 33.

Third Cause to Revoke Probation (Condition 11)

5. Pursuant to Probation Order Condition 11, Respondent is required to comply with the Board's probation unit. In violating Probation Order Conditions 13 and 4, Respondent failed to comply with the Board's probation unit. Consequently, Respondent is in violation of Probation Order Condition 11.

6. Cause exists to revoke Respondent's probation and impose the stayed revocation of Respondent's license for failure to comply with the Probation Order Condition 11 (failure to comply with Board's probation unit), as set forth in Factual Findings 3 through 10, and 34.

Fourth Cause to Revoke Probation (Condition 15)

7. Condition 15 of the Probation Order does not set forth any term or condition with which Respondent must comply through specified actions or abstinence. Rather, it merely indicates that failure to comply with any condition constitutes a violation of probation and sets forth the consequences. Consequently, Respondent did not violate Probation Order Condition 15.

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8. Cause does not exist to revoke Respondent's probation and impose the stayed revocation of Respondent's license for failure to comply with the Probation Order Condition 15, as set forth in Factual Findings 3 through 10, and 35 through 36.

Disposition

9. Respondent's underlying misconduct leading to her license surrender arose from her substance abuse over a decade ago. The purpose of Probation Order Condition 4 is to verify Respondent's continued sobriety and abstinence from alcohol and illegal controlled substances. Although Respondent violated Probation Order Condition 4 by failing to check in with the biological fluid testing service on three occasions, on one of those occasions she immediately drove to a clinic to be tested despite not being selected to test that day. Despite her three missed check-ins, Respondent has substantially complied with Probation Order Condition 4. She has checked in over 1,000 times, has never missed a test when selected, and has had no positive test results during her in the three years of probation. Respondent has been sober for almost five years, and her therapist, AA sponsor, and husband all verified her dedication to sobriety. Consequently, Respondent's violation of Probation Order Condition 4 does not warrant revocation of her license.

10. To comply with Probation Order Condition 13, Respondent was required to engaged in the practice of medicine without exceeding two years of non-practice. However, before Respondent resumes practicing medicine in California, she must verify her competence through completion of PACE. Given Respondent's financial difficulties, she did not finalize PACE enrollment until August 2023. Since Respondent has made the \$15,000 payment, enrolled, and scheduled the PACE assessment for June 2024, revocation at this time would be unduly harsh. Given Respondent's efforts to begin compliance with Probation Order Condition 13, Respondent should be given a

short period of time to complete the PACE Program and resume the practice of medicine in California.

11. However, the Board cannot allow Respondent to remain out-of-compliance with the Probation Order indefinitely. Moreover, should Respondent fail to complete PACE and resume the practice of medicine, despite being given the extension of time, the Board should not have to bear the additional expenditure of time and money to hold another hearing on a Petition to Revoke Probation. This would be an undue burden on the Board given the latitude already extended to Respondent. Therefore, if Respondent does not complete PACE and resume the practice of medicine by the deadline outlined in the Order below, the stay of revocation shall be automatically lifted, and Respondent's license shall be immediately revoked.

12. The provisions of the following Order should adequately protect the public health, safety, and welfare.

ORDER

Respondent's probation in Case Number 800 2024 104925, is revoked, the stay of revocation is lifted, and Respondent's Physician's and Surgeon's Certificate Number C 52911 is hereby revoked. However, this revocation is stayed, and the stay will remain in effect as specified below:

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1. Respondent shall successfully complete the PACE Program (as set forth in Condition 18 of the Probation Order) and resume the practice of medicine (in compliance with the Probation Order, including Conditions 1, 6, 7, 8, and 13) not later than 180 days from the effective date of this Decision and Order. No further extensions will be given for completion of the PACE Program and resuming the practice of medicine.

2. Respondent is responsible for ensuring that the Board or its designee receives proof of her successful completion of PACE and her resumption of the practice of medicine in compliance with the Probation Order by 5:00 p.m. on the 180th day from the effective date of this Decision and Order.

3. If, prior to 5:00 p.m. on the 180th day from the effective date of this Decision and Order, the Board or its designee receives proof of Respondent's successful completion of the PACE Program and resumption of the practice of medicine in compliance with the Probation Order, the stay shall remain in effect, and Respondent's probation in Case Number 800 2024 104925 shall be extended for three years until August 26, 2029, on the same terms and conditions as the original Probation Order, except for the following modifications: Condition 18 (requiring completion of a clinical competence assessment program) shall be deemed completed.

4. If Respondent fails to ensure that proof of successful completion of PACE and proof of resumption of the practice of medicine in compliance with the Probation Order is received by the Board or its designee before 5:00 p.m. on the 180th day from the effective date of this Decision and Order, the original stay of revocation will automatically be lifted, and, without further hearing, Respondent's Physician's and Surgeon's Certificate Number C 52911 shall be revoked, effective on the 180th day

from the effective date of this Decision and Order. Respondent may apply for reinstatement of her revoked certificate two years after the effective date of revocation, as set forth in Business and Professions Code section.2307.

DATE: **06/07/2024**

Julie Cabos-Owen

JULIE CABOS OWEN

Administrative Law Judge

Office of Administrative Hearings