

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

In the Matter of the Accusation Against:

Stephen Kolakowski, M.D.

**Physician's and Surgeon's
Certificate No. C 146610**

Case No.: 800-2020-071618

Respondent.

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on December 19, 2024.

IT IS SO ORDERED: November 19, 2024.

MEDICAL BOARD OF CALIFORNIA

Michelle A. Bholat, MD

**Michelle A. Bholat, M.D., Interim Chair
Panel A**

1 ROB BONTA
Attorney General of California
2 MICHAEL C. BRUMMEL
Supervising Deputy Attorney General
3 MEGAN R. O'CARROLL
Deputy Attorney General
4 State Bar No. 215479
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8
9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **STEPHEN KOLAKOWSKI, M.D.**
14 **672 Townsend Court**
Folsom, CA 95630-6376

15 **Physician's and Surgeon's Certificate No. C**
16 **146610**

17 Respondent.

Case No. 800-2020-071618

OAH No. 2023120594

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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

22 **PARTIES**

23 1. Reji Varghese (Complainant) is the Executive Director of the Medical Board of
24 California (Board). He brought this action solely in his official capacity and is represented in this
25 matter by Rob Bonta, Attorney General of the State of California, by Megan R. O'Carroll, Deputy
26 Attorney General.

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2. Respondent Stephen Kolakowski, M.D. (Respondent) is represented in this proceeding by attorney Shannon V. Baker, whose address is: 765 University Avenue Sacramento, CA 95825.

3. On or about December 21, 2016, the Board issued Physician's and Surgeon's Certificate C 146610 to Stephen Kolakowski, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2020-071618, and will expire on August 31, 2024, unless renewed.

JURISDICTION

4. Accusation No. 800-2020-071618 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 19, 2023. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2020-071618 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2020-071618. Respondent has also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

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1 **CULPABILITY**

2 9. Respondent understands and agrees that the charges in Accusation No. 800-2020-
3 071618, and the allegations in Paragraphs 10 through 16, if proven at a hearing, constitute cause
4 for imposing discipline upon his 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 the allegations in Paragraphs 10 through
7 16, and that Respondent hereby gives up his right 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 in Accusation No. 800-2020-071618, and
10 the allegations in Paragraphs 10 through 16, a true and correct copy of which is attached hereto as
11 Exhibit A, and that he has thereby subjected his Physician's and Surgeon's Certificate, No. C
12 146610 to disciplinary action.

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

16 **CONTINGENCY**

17 13. This stipulation shall be subject to approval by the Medical Board of California.
18 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
19 Board of California may communicate directly with the Board regarding this stipulation and
20 settlement, without notice to or participation by Respondent or his counsel. By signing the
21 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
22 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
23 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
24 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
25 action between the parties, and the Board shall not be disqualified from further action by having
26 considered this matter.
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1 14. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to
2 be an integrated writing representing the complete, final and exclusive embodiment of the
3 agreement of the parties in this above entitled matter.

4 15. Respondent agrees that if he ever petitions for early termination or modification of
5 probation, or if an accusation and/or petition to revoke probation is filed against him before the
6 Board, all of the charges in Accusation No. 800-2020-071618, and the allegations in Paragraphs
7 10 through 16, shall be deemed true, correct and fully admitted by respondent for purposes of any
8 such proceeding or any other licensing proceeding involving Respondent in the State of
9 California.

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

13 17. In consideration of the foregoing admissions and stipulations, the parties agree that
14 the Board may, without further notice or opportunity to be heard by the Respondent, issue and
15 enter the following Disciplinary Order:

16 **DISCIPLINARY ORDER**

17 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C 146610
18 issued to Respondent Stephen Kolakowski, M.D. is revoked. However, the revocation is stayed
19 and Respondent is placed on probation for thirty-five (35) months on the following terms and
20 conditions:

21 1. **CONTROLLED SUBSTANCES - ABSTAIN FROM USE.** Respondent shall abstain
22 completely from the personal use or possession of controlled substances as defined in the
23 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and
24 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not
25 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide
26 illness or condition.

27 Within 15 calendar days of receiving any lawfully prescribed medications, Respondent
28 shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone

1 number; medication name, strength, and quantity; and issuing pharmacy name, address, and
2 telephone number.

3 2. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the
4 use of products or beverages containing alcohol.

5 3. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)
6 days of the effective date of this Decision, Respondent shall provide to the Board the names,
7 physical addresses, mailing addresses, and telephone numbers of any and all employers and
8 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's
9 worksite monitor, and Respondent's employers and supervisors to communicate regarding
10 Respondent's work status, performance, and monitoring.

11 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or
12 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff
13 privileges.

14 4. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
15 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
16 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
17 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall
18 make daily contact with the Board or its designee to determine whether biological fluid testing is
19 required. Respondent shall be tested on the date of the notification as directed by the Board or its
20 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at
21 any time, including weekends and holidays. Except when testing on a specific date as ordered by
22 the Board or its designee, the scheduling of biological fluid testing shall be done on a random
23 basis. The cost of biological fluid testing shall be borne by the Respondent.

24 Respondent shall be subject to 24 random tests per year.

25 Prior to practicing medicine, Respondent shall contract with a laboratory or service,
26 approved in advance by the Board or its designee, that will conduct random, unannounced,
27 observed, biological fluid testing and meets all of the following standards:

28 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry

1 Association or have completed the training required to serve as a collector for the United
2 States Department of Transportation.

3 (b) Its specimen collectors conform to the current United States Department of
4 Transportation Specimen Collection Guidelines.

5 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published
6 by the United States Department of Transportation without regard to the type of test
7 administered.

8 (d) Its specimen collectors observe the collection of testing specimens.

9 (e) Its laboratories are certified and accredited by the United States Department of Health
10 and Human Services.

11 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day
12 of receipt and all specimens collected shall be handled pursuant to chain of custody
13 procedures. The laboratory shall process and analyze the specimens and provide legally
14 defensible test results to the Board within seven (7) business days of receipt of the
15 specimen. The Board will be notified of non-negative results within one (1) business day
16 and will be notified of negative test results within seven (7) business days.

17 (g) Its testing locations possess all the materials, equipment, and technical expertise
18 necessary in order to test Respondent on any day of the week.

19 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens
20 for the detection of alcohol and illegal and controlled substances.

21 (i) It maintains testing sites located throughout California.

22 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line
23 computer database that allows the Respondent to check in daily for testing.

24 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff
25 access to drug test results and compliance reporting information that is available 24 hours a
26 day.

27 (l) It employs or contracts with toxicologists that are licensed physicians and have
28 knowledge of substance abuse disorders and the appropriate medical training to interpret

1 and evaluate laboratory biological fluid test results, medical histories, and any other
2 information relevant to biomedical information.

3 (m) It will not consider a toxicology screen to be negative if a positive result is obtained
4 while practicing, even if the Respondent holds a valid prescription for the substance.

5 Prior to changing testing locations for any reason, including during vacation or other travel,
6 alternative testing locations must be approved by the Board and meet the requirements above.

7 The contract shall require that the laboratory directly notify the Board or its designee of
8 non-negative results within one (1) business day and negative test results within seven (7)
9 business days of the results becoming available. Respondent shall maintain this laboratory or
10 service contract during the period of probation.

11 A certified copy of any laboratory test result may be received in evidence in any
12 proceedings between the Board and Respondent.

13 If a biological fluid test result indicates Respondent has used, consumed, ingested, or
14 administered to himself or herself a prohibited substance, the Board shall order Respondent to
15 cease practice and instruct Respondent to leave any place of work where Respondent is practicing
16 medicine or providing medical services. The Board shall immediately notify all of Respondent's
17 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or
18 provide medical services while the cease-practice order is in effect.

19 A biological fluid test will not be considered negative if a positive result is obtained while
20 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited
21 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

22 After the issuance of a cease-practice order, the Board shall determine whether the positive
23 biological fluid test is in fact evidence of prohibited substance use by consulting with the
24 specimen collector and the laboratory, communicating with the licensee, his or her treating
25 physician(s), other health care provider, or group facilitator, as applicable.

26 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the
27 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

28 For purposes of this condition, the term "prohibited substance" means an illegal drug, a

1 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by
2 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been
3 instructed by the Board not to use, consume, ingest, or administer to himself or herself.

4 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited
5 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the
6 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to
7 any other terms or conditions the Board determines are necessary for public protection or to
8 enhance Respondent's rehabilitation.

9 5. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days of
10 the effective date of this Decision, Respondent shall submit to the Board or its designee, for its
11 prior approval, the name of a substance abuse support group which he or she shall attend for the
12 duration of probation. Respondent shall attend substance abuse support group meetings at least
13 once per week, or as ordered by the Board or its designee. Respondent shall pay all substance
14 abuse support group meeting costs.

15 The facilitator of the substance abuse support group meeting shall have a minimum of three
16 (3) years experience in the treatment and rehabilitation of substance abuse, and shall be licensed
17 or certified by the state or nationally certified organizations. The facilitator shall not have a
18 current or former financial, personal, or business relationship with Respondent within the last five
19 (5) years. Respondent's previous participation in a substance abuse group support meeting led by
20 the same facilitator does not constitute a prohibited current or former financial, personal, or
21 business relationship.

22 The facilitator shall provide a signed document to the Board or its designee showing
23 Respondent's name, the group name, the date and location of the meeting, Respondent's
24 attendance, and Respondent's level of participation and progress. The facilitator shall report any
25 unexcused absence by Respondent from any substance abuse support group meeting to the Board,
26 or its designee, within twenty-four (24) hours of the unexcused absence.

27 6. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within thirty
28 (30) calendar days of the effective date of this Decision, Respondent shall submit to the Board or

1 its designee for prior approval as a worksite monitor, the name and qualifications of one or more
2 licensed physician and surgeon, other licensed health care professional if no physician and
3 surgeon is available, or, as approved by the Board or its designee, a person in a position of
4 authority who is capable of monitoring the Respondent at work.

5 The worksite monitor shall not have a current or former financial, personal, or familial
6 relationship with Respondent, or any other relationship that could reasonably be expected to
7 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its
8 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite
9 monitor, this requirement may be waived by the Board or its designee, however, under no
10 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

11 The worksite monitor shall have an active unrestricted license with no disciplinary action
12 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms
13 and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth
14 by the Board or its designee.

15 Respondent shall pay all worksite monitoring costs.

16 The worksite monitor shall have face-to-face contact with Respondent in the work
17 environment on as frequent a basis as determined by the Board or its designee, but not less than
18 once per week; interview other staff in the office regarding Respondent's behavior, if requested
19 by the Board or its designee; and review Respondent's work attendance.

20 The worksite monitor shall verbally report any suspected substance abuse to the Board and
21 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected
22 substance abuse does not occur during the Board's normal business hours, the verbal report shall
23 be made to the Board or its designee within one (1) hour of the next business day. A written
24 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and
25 any other information deemed important by the worksite monitor shall be submitted to the Board
26 or its designee within 48 hours of the occurrence.

27 The worksite monitor shall complete and submit a written report monthly or as directed by
28 the Board or its designee which shall include the following: (1) Respondent's name and

1 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)
2 the worksite monitor's license number, if applicable; (4) the location or location(s) of the
3 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the
4 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;
5 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can
6 lead to suspected substance abuse by Respondent. Respondent shall complete any required
7 consent forms and execute agreements with the approved worksite monitor and the Board, or its
8 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

9 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)
10 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior
11 approval, the name and qualifications of a replacement monitor who will be assuming that
12 responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a
13 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the
14 monitor, Respondent shall receive a notification from the Board or its designee to cease the
15 practice of medicine within three (3) calendar days after being so notified. Respondent shall
16 cease the practice of medicine until a replacement monitor is approved and assumes monitoring
17 responsibility.

18 7. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING
19 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of
20 probation.

21 A. If Respondent commits a major violation of probation as defined by section
22 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
23 one or more of the following actions:

24 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical
25 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
26 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice
27 order issued by the Board or its designee shall state that Respondent must test negative for at least
28 a month of continuous biological fluid testing before being allowed to resume practice. For

1 purposes of determining the length of time a Respondent must test negative while undergoing
2 continuous biological fluid testing following issuance of a cease-practice order, a month is
3 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until
4 notified in writing by the Board or its designee that he or she may do so.

5 (2) Increase the frequency of biological fluid testing.

6 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or
7 other action as determined by the Board or its designee.

8 B. If Respondent commits a minor violation of probation as defined by section
9 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
10 one or more of the following actions:

11 (1) Issue a cease-practice order;

12 (2) Order practice limitations;

13 (3) Order or increase supervision of Respondent;

14 (4) Order increased documentation;

15 (5) Issue a citation and fine, or a warning letter;

16 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in
17 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of
18 Regulations, at Respondent's expense;

19 (7) Take any other action as determined by the Board or its designee.

20 C. Nothing in this Decision shall be considered a limitation on the Board's authority
21 to revoke Respondent's probation if he or she has violated any term or condition of probation. If
22 Respondent violates probation in any respect, the Board, after giving Respondent notice and the
23 opportunity to be heard, may revoke probation and carry out the disciplinary order that was
24 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed
25 against Respondent during probation, the Board shall have continuing jurisdiction until the matter
26 is final, and the period of probation shall be extended until the matter is final.

27 8. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
28 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the

1 Chief Executive Officer at every hospital where privileges or membership are extended to
2 Respondent, at any other facility where Respondent engages in the practice of medicine,
3 including all physician and locum tenens registries or other similar agencies, and to the Chief
4 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
5 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
6 calendar days.

7 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

8 9. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
9 governing the practice of medicine in California and remain in full compliance with any court
10 ordered criminal probation, payments, and other orders.

11 10. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
12 ordered to reimburse the Board its costs of investigation and enforcement, in the amount of
13 \$18,433.25. Costs shall be payable to the Medical Board of California. Failure to pay such costs
14 shall be considered a violation of probation.

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

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

21 11. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
22 under penalty of perjury on forms provided by the Board, stating whether there has been
23 compliance with all the conditions of probation.

24 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
25 of the preceding quarter.

26 12. GENERAL PROBATION REQUIREMENTS.

27 Compliance with Probation Unit

28 Respondent shall comply with the Board's probation unit.

1 Address Changes

2 Respondent shall, at all times, keep the Board informed of Respondent's business and
3 residence addresses, email address (if available), and telephone number. Changes of such
4 addresses shall be immediately communicated in writing to the Board or its designee. Under no
5 circumstances shall a post office box serve as an address of record, except as allowed by Business
6 and Professions Code section 2021, subdivision (b).

7 Place of Practice

8 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
9 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
10 facility.

11 License Renewal

12 Respondent shall maintain a current and renewed California physician's and surgeon's
13 license.

14 Travel or Residence Outside California

15 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
16 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
17 (30) calendar days.

18 In the event Respondent should leave the State of California to reside or to practice
19 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
20 departure and return.

21 13. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
22 available in person upon request for interviews either at Respondent's place of business or at the
23 probation unit office, with or without prior notice throughout the term of probation.

24 14. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
25 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
26 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
27 defined as any period of time Respondent is not practicing medicine as defined in Business and
28 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct

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

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

15 Respondent's period of non-practice while on probation shall not exceed two (2) years.

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

17 Periods of non-practice for a Respondent residing outside of California will relieve
18 Respondent of the responsibility to comply with the probationary terms and conditions with the
19 exception of this condition and the following terms and conditions of probation: Obey All Laws;
20 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
21 Controlled Substances; and Biological Fluid Testing.

22 15. COMPLETION OF PROBATION. Respondent shall comply with all financial
23 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
24 completion of probation. This term does not include cost recovery, which is due within 30
25 calendar days of the effective date of the Order, or by a payment plan approved by the Medical
26 Board and timely satisfied. Upon successful completion of probation, Respondent's certificate
27 shall be fully restored.

1 16. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
2 of probation is a violation of probation. If Respondent violates probation in any respect, the
3 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
4 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,
5 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
6 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
7 the matter is final.

8 17. LICENSE SURRENDER. Following the effective date of this Decision, if
9 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
10 the terms and conditions of probation, Respondent may request to surrender his or her license.
11 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
12 determining whether or not to grant the request, or to take any other action deemed appropriate
13 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
14 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
15 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
16 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
17 application shall be treated as a petition for reinstatement of a revoked certificate.

18 18. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
19 with probation monitoring each and every year of probation, as designated by the Board, which
20 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
21 California and delivered to the Board or its designee no later than January 31 of each calendar
22 year.

23 19. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
24 a new license or certification, or petition for reinstatement of a license, by any other health care
25 licensing action agency in the State of California, all of the charges and the allegations of
26 Paragraphs 10 through 16 contained in Accusation No. 800-2020-071618 shall be deemed to be
27 true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other
28 proceeding seeking to deny or restrict license.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Shannon V. Baker. 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.

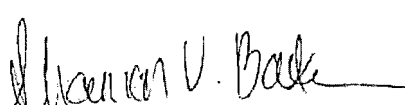
DATED: 6/19/24



STEPHEN KOLAKOWSKI, M.D.
Respondent

I have read and fully discussed with Respondent Stephen Kolakowski, 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: June 19, 2024



SHANNON V. BAKER
Attorney for Respondent

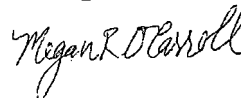
ENDORSEMENT

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

DATED: 10/23/2024

Respectfully submitted,

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



MEGAN R. O'CARROLL
Deputy Attorney General
Attorneys for Complainant

SA2022305739

Exhibit A

Accusation No. 800-2020-071618

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

13 In the Matter of the Accusation Against:

Case No. 800-2020-071618

14 **Stephen Kolakowski, M.D.**
15 **775 Heritage Pl.**
Folsom, CA 95630-6242

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. C 146610,**

18 Respondent.

19
20 **PARTIES**

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

24 2. On or about December 21, 2016, the Medical Board issued Physician's and Surgeon's
25 Certificate Number C 146610 to Stephen Kolakowski, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
27 herein and will expire on August 31, 2024, unless renewed.

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1 6. Section 2236 of the Code states:

2 (a) The conviction of any offense substantially related to the qualifications,
3 functions, or duties of a physician and surgeon constitutes unprofessional conduct
4 within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record
of conviction shall be conclusive evidence only of the fact that the conviction
occurred.

5 (b) The district attorney, city attorney, or other prosecuting agency shall notify
6 the Medical Board of the pendency of an action against a licensee charging a felony
or misdemeanor immediately upon obtaining information that the defendant is a
7 licensee. The notice shall identify the licensee and describe the crimes charged and
the facts alleged. The prosecuting agency shall also notify the clerk of the court in
8 which the action is pending that the defendant is a licensee, and the clerk shall record
prominently in the file that the defendant holds a license as a physician and surgeon.

9 (c) The clerk of the court in which a licensee is convicted of a crime shall,
10 within 48 hours after the conviction, transmit a certified copy of the record of
conviction to the board. The division may inquire into the circumstances surrounding
11 the commission of a crime in order to fix the degree of discipline or to determine if
the conviction is of an offense substantially related to the qualifications, functions, or
12 duties of a physician and surgeon.

13 (d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is
14 deemed to be a conviction within the meaning of this section and Section 2236.1.
The record of conviction shall be conclusive evidence of the fact that the conviction
occurred.

15 7. Section 2239 of the Code states:

16 (a) The use or prescribing for or administering to himself or herself, of any
17 controlled substance; or the use of any of the dangerous drugs specified in Section
4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous
18 or injurious to the licensee, or to any other person or to the public, or to the extent that
such use impairs the ability of the licensee to practice medicine safely or more than
19 one misdemeanor or any felony involving the use, consumption, or
self-administration of any of the substances referred to in this section, or any
20 combination thereof, constitutes unprofessional conduct. The record of the
conviction is conclusive evidence of such unprofessional conduct.

21 (b) A plea or verdict of guilty or a conviction following a plea of nolo
22 contendere is deemed to be a conviction within the meaning of this section. The
Medical Board may order discipline of the licensee in accordance with Section 2227
23 or the Medical Board may order the denial of the license when the time for appeal has
elapsed or the judgment of conviction has been affirmed on appeal or when an order
24 granting probation is made suspending imposition of sentence, irrespective of a
subsequent order under the provisions of Section 1203.4 of the Penal Code allowing
25 such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or
setting aside the verdict of guilty, or dismissing the accusation, complaint,
26 information, or indictment.

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REGULATORY PROVISIONS

8. California Code of Regulations, title 16, section 1360, states:

(a) For the purposes of denial, suspension or revocation of a license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the code, a crime, professional misconduct, or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license if to a substantial degree it evidences present or potential unfitness of a person holding a license to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare. Such crimes, professional misconduct, or acts shall include but not be limited to the following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision of state or federal law governing the applicant's or licensee's professional practice.

(b) In making the substantial relationship determination required under subdivision (a) for a crime, the board shall consider the following criteria:

(1) The nature and gravity of the crime;

(2) The number of years elapsed since the date of the crime; and

(3) The nature and duties of the profession.

COST RECOVERY

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to 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, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FACTUAL ALLEGATIONS

10. Respondent is Board-certified in vascular surgery and general surgery. On or about October 10, 2020, at approximately 3:30 p.m., the Folsom Police Department received a call from Respondent's wife reporting that she was concerned about her husband's mental state and required assistance in stopping him from driving and in getting him to a hospital for medical care. The Folsom Police Department dispatched two police officers to Respondent's residence for a welfare check.

1 11. While the two police officers were on their way to Respondent's residence, they
2 received notification that Respondent himself had called the Folsom Police Department to report
3 that his wife was holding him hostage. The police dispatcher told the officers that Respondent
4 sounded heavily medicated. The dispatcher further overheard Respondent and his wife arguing
5 about the keys to a car in their driveway. Respondent's wife was trying to take the keys from him
6 to stop him from driving. As the police officers were approaching Respondent's residence, the
7 dispatcher advised them that Respondent had left the residence, driving a red Hyundai Sonata.

8 12. The two police officers intercepted Respondent driving away from his residence in a
9 red Hyundai Sonata. As police intercepted him, Respondent pulled his car over, but parked it
10 approximately five feet away from the curb. A Folsom Police Officer approached Respondent in
11 the driver's seat of the Hyundai and immediately noticed that Respondent had bloodshot, watery
12 eyes, slurred speech and a strong odor of alcohol coming from him. The Officer asked
13 Respondent to turn off the engine and step out of the car. The Officer observed Respondent to
14 walk with an unsteady gait as the two walked over to the sidewalk.

15 13. Respondent told the Officer that he had been drinking gin, at his house, for the past
16 four hours. He stated that he was about to drive to his other residence in Stockton. The Officer
17 asked Respondent if he felt the effects of the alcohol he consumed and Respondent said that "on a
18 scale of 1-10, I probably feel about a 4 right now." Respondent was arrested for driving under the
19 influence of alcohol and submitted to a breath test that showed his blood alcohol concentration to
20 be .24/.25 percent.

21 14. Respondent was charged, in Sacramento Superior Court Case No. 20MI017418, with
22 misdemeanor violations of Vehicle Code section 23152, subdivisions (a) and (b), driving under
23 the influence of alcohol and driving with a blood alcohol level of greater than .08. The criminal
24 complaint further alleged that Respondent drove with a blood alcohol concentration of greater
25 than .20 percent in violation of Vehicle Code section 23538, subdivision (b)(2). On or about
26 January 3, 2022, Respondent pled no contest to violating Vehicle Code section 23152,
27 subdivision (b), and to having a blood alcohol content of greater than .20 percent. The Court that
28 charged him with a violation of subdivision (a) of the code was dismissed in view of his plea.

15. Respondent was sentenced to 3 years of informal probation, fines and fees totaling \$1,767.00, 26 days of county jail, and a nine-month DUI education program. The Court granted Respondent full credit for time served for time he spent in an intensive alcohol treatment program to satisfy the 26 days of jail time.

16. The week after Respondent was arrested for driving under the influence of alcohol, on October 16, 2020, he checked himself in to an intensive alcohol treatment center. The records from this program show that Respondent had been suffering from alcoholism for some time before his DUI arrest on October 10, 2020. He experienced withdrawal symptoms during his initial rehabilitation requiring medical treatment and medication. The records further indicate that Respondent's alcohol abuse had been causing interpersonal relationship problems in his personal and professional life, including difficulties at his workplace, San Joaquin General Hospital, where he had worked for several years as a general and vascular surgeon before going out on medical leave a month before his DUI arrest.

17. San Joaquin General Hospital required a comprehensive psychiatric evaluation before he could return to work. The psychiatric evaluation revealed that Respondent had been struggling with a variety of mental and physical conditions in the months leading up to his DUI arrest, including seizures, depression, anxiety, mania, high blood pressure, sleep disturbances and alcoholism. The psychiatric evaluation noted that Respondent's coworkers at San Joaquin General Hospital reported concerning symptoms at work, including leaving his patient in the middle of surgery and smelling of alcohol while on duty. The psychiatrist opined that Respondent required addiction treatment and careful monitoring in order to be able to return to work safely.

FIRST CAUSE FOR DISCIPLINE

(Used Alcohol in a Manner Dangerous to Oneself or Others)

18. Respondent's license is subject to disciplinary action under section 2239 in that he used alcohol in a manner that was dangerous to himself or others.

19. Paragraphs 10 through 17, above, are incorporated as if set forth herein.

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1 SECOND CAUSE FOR DISCIPLINE

2 (Conviction of a Crime Substantially Related to the Practice of Medicine)

3 20. Respondent's license is subject to disciplinary action under section 2236 in that he
4 was convicted of an offense substantially related to the practice of medicine.

5 21. Paragraphs 10 through 17, above, are incorporated as if set forth herein.

6 THIRD CAUSE FOR DISCIPLINE

7 (General Unprofessional Conduct)

8 22. Respondent's license is subject to disciplinary action under section 2234 in that he
9 committed acts constituting general unprofessional conduct.

10 23. Paragraphs 10 through 17, above, are incorporated as if set forth herein.

11 PRAYER

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

14 1. Revoking or suspending Physician's and Surgeon's Certificate No. C 146610, issued
15 to Stephen Kolakowski, M.D.;

16 2. Revoking, suspending or denying approval of Stephen Kolakowski, M.D.'s authority
17 to supervise physician assistants and advanced practice nurses;

18 3. Ordering Stephen Kolakowski, M.D., to pay the Board the costs of the investigation
19 and enforcement of this case, and if placed on probation, the costs of probation monitoring;

20 4. Ordering Respondent Stephen Kolakowski, M.D., if placed on probation, to provide
21 patient notification in accordance with Business and Professions Code section 2228.1; and

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

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24 DATED: JUL 19 2023

25 
REJI VARGHESE
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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