

1 ROB BONTA
Attorney General of California
2 STEVE DIEHL
Supervising Deputy Attorney General
3 RYAN J. YATES
Deputy Attorney General
4 State Bar No. 279257
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-6329
Facsimile: (916) 327-2247
7 E-mail: Ryan.Yates@doj.ca.gov
Attorneys for Complainant

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

11 In the Matter of the Petition to Revoke
12 Probation Against:

13 **REBECCA LYNNE DARSEY, M.D.**
14 **Kaiser Permanente**
1 Quality Drive
Vacaville, CA 95688

15 **Physician's and Surgeon's Certificate**
16 **No. A 88782**

17 Respondent.

Case No. 800-2024-109818

DEFAULT DECISION
AND ORDER

[Gov. Code, §11520]

18
19 **FINDINGS OF FACT**

20 1. On or about September 5, 2024, Complainant Reji Varghese, in his official capacity
21 as the Executive Director of the Medical Board of California, Department of Consumer Affairs,
22 filed Petition to Revoke Probation No. 800-2024-109818 against REBECCA LYNNE DARSEY,
23 M.D. (Respondent) before the Medical Board of California.

24 2. On or about September 3, 2004, the Medical Board of California (Board) issued
25 Physician's and Surgeon's Certificate No. A 88782 to Respondent. The Physician's and
26 Surgeon's Certificate expired on December 31, 2023, and has not been renewed. A copy of
27 Respondent's Certificate of Licensure is included as **Exhibit A** and incorporated by reference
28 herein.

1 3. On or about September 5, 2024, Merlene Francis, an employee of the Complainant
2 Agency, served by Certified and First Class Mail a copy of the Petition to Revoke Probation No.
3 800-2024-109818, Statement to Respondent; Notice of Defense; Request for Discovery; and
4 Discovery Statutes to Respondent's address of record with the Board, which was Kaiser
5 Permanente, 1 Quality Drive, Vacaville, CA 95688, and to the last known address for
6 Respondent's counsel of record, Stephen Boreman, which was and is 50 California Street, 34th
7 Floor, San Francisco, CA 94111. A copy of the Petition to Revoke Probation, the related
8 documents, and Declaration of Service are attached as **Exhibit B**, and are incorporated herein by
9 reference.

10 5. Service of the Petition to Revoke Probation was effective as a matter of law under the
11 provisions of Government Code section 11505, subdivision (c).

12 6. On or about September 9, 2024, the aforementioned documents were delivered by the
13 U.S. Postal Service to Stephen Boreman. On or about September 20, 2024, the aforementioned
14 documents were returned by the U.S. Postal Service to the Medical Board of California. A copy
15 of the tracking information provided by the post office is attached as **Exhibit C**, and is
16 incorporated herein by reference.

17 7. On or about September 23, 2024, R. Henke, an employee of the Department of
18 Justice, served by Certified and First Class Mail a Courtesy Notice of Default, including a copy of
19 the Petition to Revoke Probation No. 800-2024-109818, Statement to Respondent; Notice of
20 Defense; Request for Discovery; and Discovery Statutes to Respondent's address of record with
21 the Board, which was Kaiser Permanente, 1 Quality Drive, Vacaville, CA 95688, and to an
22 additional address provided by Stephen Boreman, which is 1843 White Sands Lane, Davis, CA
23 95616. A copy of the Courtesy Notice of Default, the related documents, and Declaration of
24 Service are attached as **Exhibit D**, and are incorporated herein by reference.

25 8. On or about September 27, 2024, the aforementioned documents were returned by the
26 U.S. Postal Service marked "RTS – No Longer" and "Return to Sender – Insufficient Address –
27 Unable to Forward." A copy of the envelope returned by the post office is attached as **Exhibit E**,
28 and is incorporated herein by reference.

1 9. Business and Professions Code section 118 states, in pertinent part:

2 (b) The suspension, expiration, or forfeiture by operation of law of a license
3 issued by a board in the department, or its suspension, forfeiture, or cancellation by
4 order of the board or by order of a court of law, or its surrender without the written
5 consent of the board, shall not, during any period in which it may be renewed,
6 restored, reissued, or reinstated, deprive the board of its authority to institute or
7 continue a disciplinary proceeding against the licensee upon any ground provided by
8 law or to enter an order suspending or revoking the license or otherwise taking
9 disciplinary action against the license on any such ground.

10 10. Government Code section 11506 states, in pertinent part:

11 (c) The respondent shall be entitled to a hearing on the merits if the respondent
12 files a notice of defense, and the notice shall be deemed a specific denial of all parts
13 of the accusation not expressly admitted. Failure to file a notice of defense shall
14 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
15 may nevertheless grant a hearing.

16 11. Respondent failed to file a Notice of Defense within 15 days after service upon her of
17 the Petition to Revoke Probation, and therefore waived her right to a hearing on the merits of
18 Petition to Revoke Probation No. 800-2024-109818.

19 12. The declaration of Ryan Yates, Deputy Attorney General, as to the above-described
20 attempts at service and related actions is included as **Exhibit F** and incorporated herein by
21 reference.

22 13. The declaration of Lisa Montoya, Inspector II, as to Respondent's probation history is
23 included as **Exhibit G** and incorporated herein by reference. Based on Exhibit G, the Board finds
24 that between on or about January 14, 2022, and July 11, 2024, Respondent routinely violated the
25 terms of her probation. This includes, but is not limited to, Respondent's failures to meet with her
26 probation monitor; Respondent's failure to enroll in a prescribing course; Respondent's failure to
27 enroll in psychotherapy; Respondent's failure to provide verification of treatment with a primary
28 care physician; Respondent's failure to submit quarterly declarations; Respondent allowing her
 license to expire; and Respondent's failure to meet minimum practice requirements for two years.

 14. California Government Code section 11520 states, in pertinent part:

 (a) If the respondent either fails to file a notice of defense or to appear at the
 hearing, the agency may take action based upon the respondent's express admissions
 or upon other evidence and affidavits may be used as evidence without any notice to
 respondent.

1 15. Business and Professions Code section 125.3 states, in pertinent part:

2 (a) Except as otherwise provided by law, in any order issued in resolution of a
3 disciplinary proceeding before any board within the department or before the
4 osteopathic Medical Board, upon request of the entity bringing the proceeding, the
5 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.

6 16. Pursuant to its authority under Government Code section 11520, the Board finds
7 Respondent is in default. The Board will take action without further hearing and, based on
8 Respondent's express admissions by way of default and the evidence before it, contained in
9 Exhibits A, B, C, D, E, F, and G, finds that the allegations in Petition to Revoke Probation
10 No. 800-2024-109818 are true.

11 **DETERMINATION OF ISSUES**

12 1. Based on the foregoing findings of fact, Respondent REBECCA LYNNE DARSEY,
13 M.D. has subjected her Physician's and Surgeon's Certificate No. A 88782 to discipline.

14 2. A copy of the Petition to Revoke Probation and the related documents and
15 Declaration of Service are attached here as Exhibit B.

16 3. The Board has jurisdiction to adjudicate this case by default.

17 4. The Medical Board of California is authorized to revoke Respondent's Physician's and
18 Surgeon's Certificate based upon the following violations alleged in the Petition to Revoke
19 Probation:

- 20 a. Failure to enroll in a Prescribing Practices Course within 60 days, per Condition
21 1 of the prior Decision;
- 22 b. Failure to submit to the Board or its designee for prior approval the name and
23 qualifications of a California-licensed, board-certified psychiatrist or a licensed
24 psychologist who has a doctoral degree in psychology and at least five years of
25 postgraduate experience in the diagnosis and treatment of emotional and mental
26 disorders within 60 days, per Condition 2 of the prior Decision;
- 27
28

- 1 c. Failure to continue regular medical treatment by a Board-approved physician
- 2 and/or provide verification of said treatment to the Board within 30 calendar
- 3 days, per Condition 3 of the prior Decision;
- 4 d. Failure to submit all quarterly declarations as required by Condition 9 of the
- 5 prior Decision;
- 6 e. Failure to comply with the general probation requirements per Condition 10 of
- 7 the prior Decision, including failure to comply with the requests and orders of
- 8 the Board's Probation Unit, failure to update the Board regarding changes to
- 9 her residential address, and failure to maintain a current and renewed
- 10 physician's and surgeon's license;
- 11 f. Failure to participate in interviews with the Board or its designee, per Condition
- 12 11 of the prior Decision;
- 13 g. Allowing her period of non-practice of medicine to exceed two years, as
- 14 prohibited by Condition 12 of the prior Decision;
- 15 h. Failure to pay the costs of probation monitoring, per Condition 16 of the prior
- 16 Decision; and
- 17 i. Repeatedly violating multiple terms of probation as imposed by the prior
- 18 Decision.

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1 **ORDER**

2 IT IS SO ORDERED that Physician's and Surgeon's Certificate No. A 88782, heretofore
3 issued to Respondent REBECCA LYNNE DARSEY, M.D., is revoked.

4 **Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a**
5 **written motion requesting that the Decision be vacated and stating the grounds relied on**
6 **within seven (7) days after service of the Decision on Respondent.** The Board in its discretion
7 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
8 statute.

9 Respondent is ordered to pay the Board the costs of the investigation and enforcement of
10 this case in the amount of \$18, 321.75. The filing of bankruptcy by Respondent shall not relieve
11 Respondent of her responsibility to reimburse the Board for its costs. Respondent's Physician's
12 and Surgeon's Certificate may not be renewed or reinstated unless all costs ordered under
13 Business and Professions Code section 125.3 have been paid.

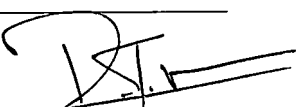
14 If Respondent ever files an application for re-licensure or reinstatement in the State of
15 California, the Board shall treat it as a petition for reinstatement of a revoked license. Respondent
16 must comply with all the laws, regulations, and procedures for reinstatement of a revoked license
17 in effect at the time the petition is filed.

FEB 18 2025

18 This Decision shall become effective at 5:00 p.m. on _____.

19
20 It is so ORDERED _____

JAN 16 2025

21 
22 _____
23 REJI VARGHESE
24 EXECUTIVE DIRECTOR
25 MEDICAL BOARD OF CALIFORNIA
26 DEPARTMENT OF CONSUMER AFFAIRS

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1 ROB BONTA
Attorney General of California
2 STEVE DIEHL
Supervising Deputy Attorney General
3 RYAN J. YATES
Deputy Attorney General
4 State Bar No. 279257
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-6329
Facsimile: (916) 327-2247
7 *Attorneys for Complainant*

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

12 In the Matter of the Petition to Revoke
13 Probation Against:

Case No. 800-2024-109818

14 **REBECCA LYNNE DARSEY, M.D.**
15 **Kaiser Permanente**
1 Quality Dr.
16 **Vacaville, CA 95688**

PETITION TO REVOKE PROBATION

17 **Physician's and Surgeon's Certificate**
No. A 88782

18 Respondent.

19
20 **PARTIES**

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

24 2. On or about September 3, 2004, the Medical Board of California issued Physician's
25 and Surgeon's Certificate Number A 88782 to Rebecca Lynn Darsey, M.D. (Respondent). The
26 Physician's and Surgeon's Certificate expired on December 31, 2023, and has not been renewed.

27 3. In a disciplinary action titled *In the Matter of the Accusation Against Rebecca Lynne*
28 *Darsey, M.D.*, Case No. 800-2019-054798, the Medical Board of California issued a decision,

effective January 14, 2022, in which Respondent's Physician's and Surgeon's Certificate was revoked. However, the revocation was stayed and Respondent's Physician's and Surgeon's Certificate was placed on probation for a period of five (5) years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

JURISDICTION

4. This Petition to Revoke Probation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 2227 of the Code states:

(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 provision of this chapter:

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

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

(3) Be placed on probation and be required to pay the costs of probation monitoring 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.

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

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

6. Section 2234 of the Code states:

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

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

1 (b) Gross negligence.

2 (c) Repeated negligent acts. To be repeated, there must be two or more
3 negligent acts or omissions. An initial negligent act or omission followed by a
4 separate and distinct departure from the applicable standard of care shall constitute
5 repeated negligent acts.

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

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

14 (d) Incompetence.

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

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

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

22 **DECISION AND ORDER, CASE NO. 800-2019-054798**

23 7. On or about September 29, 2021, an Accusation was filed against Respondent titled
24 *In the Matter of the Accusation against Rebecca Lynne Darcy, M.D.*, Case No. 800-2019-054798,
25 alleging that Respondent was subject to disciplinary action under Code Section 822, relating to
26 mental or physical illness affecting her competency to practice medicine.

27 8. On or about October 13, 2021, Respondent signed a Stipulated Settlement and
28 Disciplinary Order in Case No. 800-2019-054798, in which she agreed that "...if an accusation
and/or petition to revoke probation is filed against her before the Board, all of the charges and
allegations contained in Accusation No. 800-2019-054798 shall be deemed true, correct and fully
admitted by respondent for purposes of any such proceeding or any other licensing proceeding
involving Respondent in the State of California."

9. On or about December 15, 2021, the Board issued its Decision and Order in Case No.
800-2019-054798 (Decision). That Decision, which became effective January 14, 2022, revoked
Respondent's Physician's and Surgeon's Certificate No. A 88782; however, the revocation was

1 stayed and she was placed on probation for five years, with the following terms and conditions:
2 Prescribing Practices course, to be completed within 6 months of enrollment; Psychotherapy;
3 Continue treatment with primary care physician; Prohibition from self-prescribing any drugs;
4 Obtain a practice monitor within 60 calendar days of the effective date of this Decision; Solo
5 practice prohibition; and abide by all terms and conditions of her probation. That Decision is now
6 final, and a copy of the Decision is attached as Exhibit A and incorporated by reference herein.

7 10. At all times after the effective date of Respondent's probation, Condition No. 1, titled
8 PRESCRIBING PRACTICES COURSE, stated:

9 Within 60 calendar days of the effective date of this Decision, Respondent shall
10 enroll in a course in prescribing practices approved in advance by the Board or its
11 designee. Respondent shall provide the approved course provider with any
12 information and documents that the approved course provider may deem pertinent.
13 Respondent shall participate in and successfully complete the classroom component
14 of the course not later than six (6) months after Respondent's initial enrollment.
15 Respondent shall successfully complete any other component of the course within
16 one (1) year of enrollment. The prescribing practices course shall be at Respondent's
17 expense and shall be in addition to the Continuing Medical Education (CME)
18 requirements for renewal of licensure.

19 A prescribing practices course taken after the acts that gave rise to the charges
20 in the Accusation, but prior to the effective date of the Decision may, in the sole
21 discretion of the Board or its designee, be accepted towards the fulfillment of this
22 condition if the course would have been approved by the Board or its designee had
23 the course been taken after the effective date of this Decision.

24 Respondent shall submit a certification of successful completion to the Board or
25 its designee not later than 15 calendar days after successfully completing the course,
26 or not later than 15 calendar days after the effective date of the Decision, whichever is
27 later.

28 11. At all times after the effective date of Respondent's probation, Condition No. 2, titled
PSYCHOTHERAPY, stated:

Within 60 calendar days of the effective date of this Decision, Respondent shall
submit to the Board or its designee for prior approval the name and qualifications of a
California-licensed board certified psychiatrist or a licensed psychologist who has a
doctoral degree in psychology and at least five years of postgraduate experience in
the diagnosis and treatment of emotional and mental disorders. Upon approval,
Respondent shall undergo and continue psychotherapy treatment, including any
modifications to the frequency of psychotherapy, until the Board or its designee
deems that no further psychotherapy is necessary.

The psychotherapist shall consider any information provided by the Board or its
designee and any other information the psychotherapist deems relevant and shall
furnish a written evaluation report to the Board or its designee. Respondent shall
cooperate in providing the psychotherapist with any information and documents that

1 the psychotherapist may deem pertinent.

2 Respondent shall have the treating psychotherapist submit quarterly status
3 reports to the Board or its designee. The Board or its designee may require
4 Respondent to undergo psychiatric evaluations by a Board-appointed board certified
5 psychiatrist. If, prior to the completion of probation, Respondent is found to be
6 mentally unfit to resume the practice of medicine without restrictions, the Board shall
7 retain continuing jurisdiction over Respondent's license and the period of probation
8 shall be extended until the Board determines that Respondent is mentally fit to
9 resume the practice of medicine without restrictions.

10 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

11 12. At all times after the effective date of Respondent's probation, Condition No. 3, titled
12 CONTINUE TREATMENT WITH PRIMARY CARE PHYSICIAN, stated:

13 Within 30 calendar days of the effective date of this Decision, and on a periodic
14 basis thereafter as may be required by the Board or its designee, Respondent shall
15 continue regular medical treatment by a Board-approved physician. Respondent shall
16 provide the physician with any information and documentation that the physician may
17 deem pertinent. Respondent shall, upon demand from the Board, provide verification
18 that she is under the care and treatment of a primary care physician.

19 13. At all times after the effective date of Respondent's probation, Condition No. 9, titled
20 QUARTERLY DECLARATIONS, stated:

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

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

26 14. At all times after the effective date of Respondent's probation, Condition No. 10,
27 titled GENERAL PROBATION REQUIREMENTS, with the relevant subsection, LICENSE
28 RENEWAL, stated:

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

15. At all times after the effective date of Respondent's probation, Condition No. 11,
titled INTERVIEW WITH THE BOARD OR ITS DESIGNEE, stated:

Respondent shall be available in person upon request for interviews either at
Respondent's place of business or at the probation unit office, with or without prior
notice throughout the term of probation.

1 16. At all times after the effective date of Respondent's probation, Condition No. 12,
2 titled NON-PRACTICE WHILE ON PROBATION, stated:

3 Respondent shall notify the Board or its designee in writing within 15 calendar
4 days of any periods of non-practice lasting more than 30 calendar days and within 15
5 calendar days of Respondent's return to practice. Non-practice is defined as any
6 period of time Respondent is not practicing medicine as defined in Business and
7 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in
8 direct patient care, clinical activity or teaching, or other activity as approved by the
9 Board. If Respondent resides in California and is considered to be in non-practice,
10 Respondent shall comply with all terms and conditions of probation. All time spent
11 in an intensive training program which has been approved by the Board or its
12 designee shall not be considered non-practice and does not relieve Respondent from
13 complying with all the terms and conditions of probation. Practicing medicine in
14 another state of the United States or Federal jurisdiction while on probation with the
15 medical licensing authority of that state or jurisdiction shall not be considered non-
16 practice. A Board-ordered suspension of practice shall not be considered as a period
17 of non-practice.

18 In the event Respondent's period of non-practice while on probation exceeds
19 18 calendar months, Respondent shall successfully complete the Federation of State
20 Medical Boards' s Special Purpose Examination, or, at the Board' s discretion, a
21 clinical competence assessment program that meets the criteria of Condition 18 of the
22 current version of the Board' s "Manual of Model Disciplinary Orders and
23 Disciplinary Guidelines" prior to resuming the practice of medicine.

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

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

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

17 17. At all times after the effective date of Respondent's probation, Condition No. 14,
18 titled VIOLATION OF PROBATION, stated:

19 Failure to fully comply with any term or condition of probation is a violation of
20 probation. If Respondent violates probation in any respect, the Board, after giving
21 Respondent notice and the opportunity to be heard, may revoke probation and carry
22 out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke
23 Probation, or an Interim Suspension Order is filed against Respondent during
24 probation, the Board shall have continuing jurisdiction until the matter is final, and
25 the period of probation shall be extended until the matter is final.

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1 18. At all times after the effective date of Respondent's probation, Condition No. 16,
2 titled PROBATION MONITORING COSTS, stated:

3 Respondent shall pay the costs associated with probation monitoring each and
4 every year of probation, as designated by the Board, which may be adjusted on an
5 annual basis. Such costs shall be payable to the Medical Board of California and
6 delivered to the Board or its designee no later than January 31 of each calendar year.

7 COST RECOVERY

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

14 FACTUAL ALLEGATIONS

15 20. On or about January 14, 2022, Respondent was scheduled to appear in an intake
16 interview with her assigned probation monitor (Monitor). Respondent called the day before to
17 reschedule the interview to January 25, 2022. On or about January 25, 2022, Respondent failed to
18 appear at the scheduled interview. On or about February 1, 2022, Respondent was sent a Non-
19 Compliance Letter.

20 21. Respondent's intake interview was rescheduled to February 8, 2022. During the
21 interview, Monitor explained to Respondent each of the aforementioned terms and conditions of
22 Respondent's Stipulated Settlement and Disciplinary Order (No. 800-2019-054798), as well as
23 the deadlines that Respondent was required to meet. Additionally, during the interview,
24 Respondent stated to Monitor that she had not been practicing medicine since on or before
25 January 14, 2022. Following the meeting, Respondent signed an Acknowledgement of Decision,
26 which stated the following, in part:

27 ...Your signature acknowledges I explained all the terms and conditions of
28 your probation and addressed any of your questions, and that you understand what is
required of you during your term of probation...

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1 22. Following the January 14, 2022, effective date of the Decision, Respondent failed to
2 enroll in a Prescribing Practices Course within 60 days; failed to submit to the Board names of
3 psychiatrists or licensed psychologists within 60 days; failed to continue treatment with her
4 primary care physician within 30 days; failed to submit an initial Quarterly Declaration (Quarter
5 I); and failed to comply with the Board's request for an interview.

6 23. On or about April 19, 2022, a second Non-Compliance Letter was mailed to
7 Respondent for failure to enroll in a Prescribing Practices Course, failure to nominate a
8 Psychotherapist, failure to provide verification of continued treatment with a Primary Care
9 Physician, failure to submit a Quarter I, 2022 Declaration, and failure to comply with the Board's
10 request for an interview. Respondent did not respond to the Non-Compliance Letter.

11 24. On or about April 29, 2022, a third Non-Compliance Letter was sent to Respondent
12 for failure to provide her Quarter I 2022 Quarterly Declaration to Monitor.

13 25. On or about June 10, 2022, a fourth Non-Compliance Letter was mailed and emailed
14 to Respondent for failing to provide Monitor with probation intake documents; failure to enroll in
15 a Prescribing Practices Course; failure to nominate a Psychotherapist to the Board; failure to
16 provide verification of continued treatment with a Primary Care Physician; failure to submit a
17 Quarter I Declaration; and failure to comply with the Board's request for an interview.
18 Respondent did not respond to the email or letter.

19 26. On or about June 23, 2022, a letter and email were sent to Respondent informing her
20 that an interview for the second quarter of her probation (Quarter II) was scheduled for June 29,
21 2022, at 11:00 a.m. Respondent did not respond to the request and failed to attend the Quarter II
22 interview on June 29, 2022.

23 27. On or about July 19, 2022, a fifth Non-Compliance Letter was mailed to Respondent
24 for failing to provide Monitor with probation intake documents; failure to enroll in a Prescribing
25 Practices Course; failure to nominate a Psychotherapist to the Board; failure to provide
26 verification of continued treatment with a Primary Care Physician; failure to submit a Quarter II
27 Declaration; and failure to comply with the Board's request for an interview. Respondent did not
28 respond to the email or letter.

1 28. On or about September 2, 2022, a letter and email were sent to Respondent informing
2 her that an interview for the third quarter of her probation (Quarter III) was scheduled for
3 September 20, 2022, at 11:00 a.m. Respondent did not respond to the request and failed to attend
4 the Quarter III interview on September 20, 2022.

5 29. On or about September 27, 2022, a sixth Non-Compliance Letter was sent to
6 Respondent for failure to nominate a Psychotherapist to the Board; failure to provide verification
7 of continued treatment with a Primary Care Physician; failure to submit Quarterly Declarations;
8 and failure to comply with the Board's request for an interview for Quarter III.

9 30. On or about October 28, 2022, Respondent was sent a seventh Non-Compliance
10 Letter for failing to submit Quarter I, Quarter II, and Quarter III Quarterly Declarations for 2022.
11 Monitor attempted to schedule a Quarter IV interview with Respondent to take place on or about
12 December 22, 2022, at 11:00 a.m., however, Respondent did not respond to the attempts to
13 schedule the interview and did not appear at said interview.

14 31. On or about January 3, 2023, an eighth Non-Compliance Letter was sent to
15 Respondent for failure to nominate a Psychotherapist to the Board; failure to provide verification
16 of continued treatment with a Primary Care Physician; failure to submit Quarterly Declarations;
17 and failure to comply with the Board's request for an interview for Quarter I, Quarter II, and
18 Quarter III of 2022. The Letter was returned to the Board as unclaimed.

19 32. On or about February 7, 2023, Respondent met Monitor for her Quarter I interview,
20 for the year 2023. Respondent filled out her Quarter IV, 2022, Quarterly Declaration onsite.
21 Respondent was also given an invoice of the probation monitoring costs and a ninth Non-
22 Compliance letter for failure to provide intake documents, failure to enroll in a Prescribing
23 Practices Course, failure to enroll in Psychotherapy, failure to provide verification of continued
24 treatment with a Primary Care Physician, failure to submit Quarterly Declarations, and failure to
25 pay 2022 Probation Monitoring Costs.

26 33. On or about March 3, 2023, a tenth Non-Compliance Letter was mailed to
27 Respondent for failure to enroll in a Prescribing Practices Course; failure to enroll in
28 Psychotherapy; failure to provide verification of continued treatment with a Primary Care

Physician; failure to submit Quarterly Declarations; and failure to pay 2022 Probation Monitoring Costs.

34. On or about March 29, 2023, a Non-Practice Letter was issued to Respondent, which stated the following, in part:

Pursuant to your Probation Order, Condition #12-**Non-Practice While on Probation**...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...prior to resuming the practice of medicine.

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

On **July 16, 2023**, your non-practice while on probation will exceed 18 calendar months...On **January 14, 2024**, your period of non-practice while on probation will exceed two (2) years. Therefore, you will be in violation of your probation order and your California medical license will be subject to revocation.

35. On or about May 22, 2023, Respondent was issued an eleventh Non-Compliance Letter for failure to submit Quarterly Declarations for Quarter I, Quarter II, and Quarter III, for the 2022 year; and Quarter I for the 2023 year.

36. On or about June 6, 2023, a packet containing a twelfth Non-Compliance Letter, a letter to schedule a Quarter II (2023) interview for June 15, 2023, and a Request for Surrender of License While on Probation form was mailed to Respondent. Respondent failed to attend the June 15, 2023, Quarter II interview. On or about June 30, 2023, the mail packet was returned to the Board as "unclaimed."

37. On or about July 19, 2023, Respondent was mailed a second Non-Practice Letter, which reiterated the terms of Probation Order, Condition #12. The letter additionally stated:

On July 16, 2023, your non-practice while on probation exceeded 18 calendar months. In addition, on January 14, 2024, your period of non-practice while on probation will exceed two (2) years. Therefore, you will be in violation of your probation...

38. On or about September 11, 2023, Respondent was issued a thirteenth Non-Compliance Letter for failure to submit Quarterly Declarations for the Quarter I, Quarter II, and Quarter III, for the 2022 year; and Quarter I and Quarter II, for the 2023 year. Monitor attempted

1 to schedule a Quarter III interview with Respondent to take place on or about September 20,
2 2023, at 11:00 a.m., however, Respondent did not respond to the attempts to schedule the
3 interview and did not appear at said interview.

4 39. On or about October 3, 2023, Respondent was issued a fourteenth Non-Compliance
5 Letter for failing to meet Monitor for a Quarter III 2023 interview; failure to enroll in a
6 Prescribing Practices Course; failure to enroll in Psychotherapy; failure to provide verification of
7 continued treatment with a Primary Care Physician; and failure to submit Quarterly Declarations.

8 40. On or about December 30, 2023, Respondent was issued a fifteenth Non-Compliance
9 Letter for failing to meet Monitor for a Quarter IV 2023 interview; failure to enroll in a
10 Prescribing Practices Course; failure to enroll in Psychotherapy; failure to provide verification of
11 continued treatment with a Primary Care Physician; and failure to submit Quarterly Declarations.

12 41. On or about December 31, 2023, Respondent's license expired.

13 42. On or about January 14, 2024, Respondent's period of non-practice exceeded two
14 years.

15 43. On or about April 29, 2024, Respondent was issued a third Non-Practice Letter,
16 which reiterated the terms of Probation Order, Condition #12. It further reiterated to Respondent
17 that as of July 16, 2023, her period of non-practice exceeded 18 months, and as of January 14,
18 2024, her period of non-practice exceeded two years.

19 **FIRST CAUSE TO REVOKE PROBATION**

20 (Prescribing Practices Course)

21 44. Respondent's probation is subject to revocation because she failed to comply with
22 Probation Condition 1, referenced above. The facts and circumstances are as follows:

23 45. Beginning on or about the January 14, 2022, effective date of the Decision,
24 Respondent failed to enroll in a Prescribing Practices Course within 60 days. Respondent remains
25 in violation of Condition 1 of the Decision. Therefore, cause exists to impose the disciplinary
26 order of revocation that was previously stayed.

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1 C. Respondent failed to submit Quarterly Declarations to the Board for the
2 following Quarters in 2024: Quarter I and Quarter II.

3 Therefore, cause exists to impose the disciplinary order of revocation that was previously
4 stayed.

5 **FIFTH CAUSE TO REVOKE PROBATION**

6 (General Probation Requirements)

7 51. Respondent's probation is subject to revocation because she failed to comply with
8 Probation Condition 10, referenced above. The facts and circumstances are as follows:

9 A. Beginning on or about the January 14, 2022, effective date of the Decision,
10 Respondent failed to comply with the requests and orders of the Board's Probation Unit;

11 B. Failed to update the Board regarding changes to her residential address; and

12 C. Failed to maintain a current and renewed physician's and surgeon's license.

13 Therefore, cause exists to impose the disciplinary order of revocation that was previously stayed.

14 **SIXTH CAUSE TO REVOKE PROBATION**

15 (Interview with the Board or its Designee)

16 52. Respondent's probation is subject to revocation because she failed to comply with
17 Probation Condition 11, referenced above. The facts and circumstances are as follows:

18 A. On or about January 25, 2022, Respondent failed to appear at the scheduled
19 Quarter II interview with the Board's designee (Monitor).

20 B. On or about June 29, 2022, Respondent failed to appear at the scheduled
21 Quarter II interview with Monitor.

22 C. On or about September 20, 2022, Respondent failed to appear at the scheduled
23 Quarter III interview with Monitor.

24 D. On or about December 22, 2022, Respondent failed to appear at the scheduled
25 Quarter IV interview with Monitor.

26 E. On or about June 15, 2023, Respondent failed to appear at the scheduled
27 Quarter II interview with Monitor.

28 ///

1 F. On or about September 11, 2023, Respondent failed to appear at the scheduled
2 Quarter III interview with Monitor.

3 Therefore, cause exists to impose the disciplinary order of revocation that was previously
4 stayed.

5 **SEVENTH CAUSE TO REVOKE PROBATION**

6 (Non-Practice While on Probation)

7 53. Respondent's probation is subject to revocation because she failed to comply with
8 Probation Condition 12, referenced above. The facts and circumstances are as follows:

9 54. On or before January 14, 2022, Respondent ceased the practice of medicine, which
10 extended beyond two years of non-practice, effective on or about January 14, 2024. Therefore,
11 cause exists to impose the disciplinary order of revocation that was previously stayed.

12 **EIGHTH CAUSE TO REVOKE PROBATION**

13 (Violation of Probation)

14 55. Respondent's probation is subject to revocation because she repeatedly violated the
15 terms of Probation Condition 14, referenced above. The facts and circumstances are as follows:

16 56. Beginning on or about January 14, 2022, Respondent failed to comply with
17 Conditions 1, 2, 3, 9, 10, 11, 12, 14, and 16 of her probation. Therefore, cause exists to impose the
18 disciplinary order of revocation that was previously stayed.

19 **NINTH CAUSE TO REVOKE PROBATION**

20 (Probation Monitoring Costs)

21 57. Respondent's probation is subject to revocation because she failed to comply with
22 Probation Condition 16, referenced above. The facts and circumstances are as follows:

23 A. Beginning on or about January 14, 2022, Respondent failed to pay the
24 Probation Monitoring Costs in the amount of \$5,290.00 by January 31, 2023.

25 B. Beginning on or about January 1, 2023, Respondent failed to pay the Probation
26 Monitoring Costs in the amount of \$5,745.00 by January 31, 2024.

27 58. Therefore, cause exists to impose the disciplinary order of revocation that was
28 previously stayed.

PRAYER

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

1. Revoking the probation that was granted by the Medical Board of California in Case No. 800-2019-054798 and imposing the disciplinary order that was stayed thereby revoking Physician's and Surgeon's Certificate No. A 88782 issued to Respondent, REBECCA LYNNE DARSEY, M.D.;

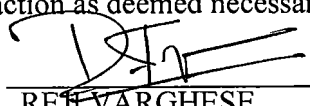
2. Revoking or suspending Physician's and Surgeon's Certificate No. A 88782, issued to Respondent, REBECCA LYNNE DARSEY, M.D.;

3. Revoking, suspending or denying approval of Respondent, REBECCA LYNNE DARSEY, M.D.'s authority to supervise physician assistants and advanced practice nurses;

4. Ordering Respondent, REBECCA LYNNE DARSEY, M.D. to pay the Medical Board of California the reasonable costs of the investigation and enforcement of this case, and, if placed on probation, the costs of probation monitoring; and

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

DATED: SEP 05 2024



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

FR2024303249
38359857.docx

Exhibit A

Decision and Order

Medical Board of California Case No. 800-2019-054798

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

**In the Matter of the Accusation
Against:**

Rebecca Lynne Darsey, M.D.

**Physician's and Surgeon's
Certificate No. A 88782**

Case No.: 800-2019-054798

Respondent.

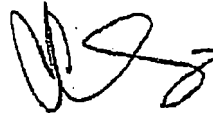
DECISION

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 January 14, 2022.

IT IS SO ORDERED: December 15, 2021.

MEDICAL BOARD OF CALIFORNIA



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

**MEDICAL BOARD OF CALIFORNIA
I do hereby certify that this document is a true
and correct copy of the original on file in this
office.**

Signature: S. Woods
Title: Sharee Woods

Date: 7/11/2024

1 ROB BONTA
Attorney General of California
2 STEVEN D. MUNI
Supervising Deputy Attorney General
3 RYAN J. YATES
Deputy Attorney General
4 State Bar No. 279257
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-6329
Facsimile: (916) 327-2247
7 *Attorneys for Complainant*

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:

Case No. 800-2019-054798

13 **REBECCA LYNNE DARSEY, M.D.**
14 **Kaiser Permanente**
15 **1 Quality Dr.**
Vacaville, CA 95688

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 **Physician's and Surgeon's Certificate**
17 **No. A 88782**

18 **Respondent.**

19
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. William Prasifka (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 Ryan J. Yates, Deputy
26 Attorney General.

27 2. Respondent Rebecca Lynne Darsey, M.D. (Respondent) is represented in this
28 proceeding by attorney Stephen Boreman, at Slote, Links, and Boreman, PC, whose address is:

1 50 California Street, 34th floor, San Francisco, CA 94111. On or about September 3, 2004, the
2 Board issued Physician's and Surgeon's Certificate No. A 88782 to Rebecca Lynne Darsey, M.D.
3 (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times
4 relevant to the charges brought in Accusation No. 800-2019-054798, and will expire on
5 December 31, 2021, unless renewed.

6 JURISDICTION

7 3. Accusation No. 800-2019-054798 was filed before the Board, and is currently
8 pending against Respondent. The Accusation and all other statutorily required documents were
9 properly served on Respondent on September 29, 2021. Respondent timely filed her Notice of
10 Defense contesting the Accusation.

11 4. A copy of Accusation No. 800-2019-054798 is attached as exhibit A and incorporated
12 herein by reference.

13 ADVISEMENT AND WAIVERS

14 5. Respondent has carefully read, fully discussed with counsel, and understands the
15 charges and allegations in Accusation No. 800-2019-054798. Respondent has also carefully read,
16 fully discussed with her counsel, and understands the effects of this Stipulated Settlement and
17 Disciplinary Order.

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

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

26 CULPABILITY

27 8. Respondent understands and agrees that the charges and allegations in Accusation
28 No. 800-2019-060435, if proven at a hearing, constitute cause for imposing discipline upon her

1 Physician's and Surgeon's Certificate.

2 9. For the purpose of resolving the Accusation without the expense and uncertainty of
3 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
4 basis for the charges in Accusation No. 800- 2019-060435, a true and correct copy of which is
5 attached hereto as Exhibit A, and that she has thereby subjected her Physician's and Surgeon's
6 Certificate, No. G 72934 to disciplinary action, and Respondent hereby gives up her right to
7 contest those charges.

8 10. Respondent agrees that her Physician's and Surgeon's Certificate is subject to
9 discipline based on this agreement and she agrees to be bound by the Board's probationary terms
10 as set forth in the Disciplinary Order below.

11 CONTINGENCY

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

22 12. Respondent agrees that if she ever petitions for early termination or modification of
23 probation, or if an accusation and/or petition to revoke probation is filed against her before the
24 Board, all of the charges and allegations contained in Accusation No. 800-2019-054798 shall be
25 deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any
26 other licensing proceeding involving Respondent in the State of California.

27 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
28 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile

1 signatures thereto, shall have the same force and effect as the originals.

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

5 **DISCIPLINARY ORDER**

6 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 88782 issued
7 to Respondent Rebecca Lynne Darsey, M.D. is revoked. However, the revocation is stayed and
8 Respondent is placed on probation for five years, with the following terms and conditions:

9 1. **PRESCRIBING PRACTICES COURSE.** Within 60 calendar days of the effective
10 date of this Decision, Respondent shall enroll in a course in prescribing practices approved in
11 advance by the Board or its designee. Respondent shall provide the approved course provider
12 with any information and documents that the approved course provider may deem pertinent.
13 Respondent shall participate in and successfully complete the classroom component of the course
14 not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully
15 complete any other component of the course within one (1) year of enrollment. The prescribing
16 practices course shall be at Respondent's expense and shall be in addition to the Continuing
17 Medical Education (CME) requirements for renewal of licensure.

18 A prescribing practices course taken after the acts that gave rise to the charges in the
19 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
20 or its designee, be accepted towards the fulfillment of this condition if the course would have
21 been approved by the Board or its designee had the course been taken after the effective date of
22 this Decision.

23 Respondent shall submit a certification of successful completion to the Board or its
24 designee not later than 15 calendar days after successfully completing the course, or not later than
25 15 calendar days after the effective date of the Decision, whichever is later.

26 2. **PSYCHOTHERAPY.** Within 60 calendar days of the effective date of this Decision,
27 Respondent shall submit to the Board or its designee for prior approval the name and
28 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who

1 has a doctoral degree in psychology and at least five years of postgraduate experience in the
2 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall
3 undergo and continue psychotherapy treatment, including any modifications to the frequency of
4 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

5 The psychotherapist shall consider any information provided by the Board or its designee
6 and any other information the psychotherapist deems relevant and shall furnish a written
7 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
8 psychotherapist with any information and documents that the psychotherapist may deem
9 pertinent.

10 Respondent shall have the treating psychotherapist submit quarterly status reports to the
11 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric
12 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of
13 probation, Respondent is found to be mentally unfit to resume the practice of medicine without
14 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the
15 period of probation shall be extended until the Board determines that Respondent is mentally fit
16 to resume the practice of medicine without restrictions.

17 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

18 3. CONTINUE TREATMENT WITH PRIMARY CARE PHYSICIAN. Within 30
19 calendar days of the effective date of this Decision, and on a periodic basis thereafter as may be
20 required by the Board or its designee, Respondent shall continue regular medical treatment by a
21 Board-approved physician. Respondent shall provide the physician with any information and
22 documentation that the physician may deem pertinent. Respondent shall, upon demand from the
23 Board, provide verification that she is under the care and treatment of a primary care physician.

24 4. PROHIBITED SELF-PRESCRIBING. During probation, Respondent is prohibited
25 from self-prescribing prescription drugs/medications.

26 5. MONITORING - PRACTICE. Within 30 calendar days of the effective date of this
27 Decision, Respondent shall submit to the Board or its designee for prior approval as a practice
28 monitor, the name and qualifications of one or more licensed physicians and surgeons whose

1 licenses are valid and in good standing, and who are preferably American Board of Medical
2 Specialties (ABMS) certified. A monitor shall have no prior or current business or personal
3 relationship with Respondent, or other relationship that could reasonably be expected to
4 compromise the ability of the monitor to render fair and unbiased reports to the Board, including
5 but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree
6 to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

7 The Board or its designee shall provide the approved monitor with copies of the Decision(s)
8 and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the
9 Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed
10 statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role
11 of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees
12 with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the
13 signed statement for approval by the Board or its designee.

14 Within 60 calendar days of the effective date of this Decision, and continuing throughout
15 probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall
16 make all records available for immediate inspection and copying on the premises by the monitor
17 at all times during business hours and shall retain the records for the entire term of probation.

18 If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective
19 date of this Decision, Respondent shall receive a notification from the Board or its designee to
20 cease the practice of medicine within three (3) calendar days after being so notified. Respondent
21 shall cease the practice of medicine until a monitor is approved to provide monitoring
22 responsibility.

23 The monitor(s) shall submit a quarterly written report to the Board or its designee which
24 includes an evaluation of Respondent's performance, indicating whether Respondent's practices
25 are within the standards of practice of medicine, and whether Respondent is practicing medicine
26 safely. It shall be the sole responsibility of Respondent to ensure that the monitor submits the
27 quarterly written reports to the Board or its designee within 10 calendar days after the end of the
28 preceding quarter.

1 If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of
2 such resignation or unavailability, submit to the Board or its designee, for prior approval, the
3 name and qualifications of a replacement monitor who will be assuming that responsibility within
4 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60
5 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a
6 notification from the Board or its designee to cease the practice of medicine within three (3)
7 calendar days after being so notified. Respondent shall cease the practice of medicine until a
8 replacement monitor is approved and assumes monitoring responsibility.

9 In lieu of a monitor, Respondent may participate in a professional enhancement program
10 approved in advance by the Board or its designee that includes, at minimum, quarterly chart
11 review, semi-annual practice assessment, and semi-annual review of professional growth and
12 education. Respondent shall participate in the professional enhancement program at Respondent's
13 expense during the term of probation.

14 6. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the
15 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice
16 where: 1) Respondent merely shares office space with another physician but is not affiliated for
17 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that
18 location.

19 If Respondent fails to establish a practice with another physician or secure employment in
20 an appropriate practice setting within 60 calendar days of the effective date of this Decision,
21 Respondent shall receive a notification from the Board or its designee to cease the practice of
22 medicine within three (3) calendar days after being so notified. The Respondent shall not resume
23 practice until an appropriate practice setting is established.

24 If, during the course of the probation, the Respondent's practice setting changes and the
25 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent
26 shall notify the Board or its designee within five (5) calendar days of the practice setting change.
27 If Respondent fails to establish a practice with another physician or secure employment in an
28 appropriate practice setting within 60 calendar days of the practice setting change, Respondent

1 shall receive a notification from the Board or its designee to cease the practice of medicine within
2 three (3) calendar days after being so notified. The Respondent shall not resume practice until an
3 appropriate practice setting is established.

4 7. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
5 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
6 Chief Executive Officer at every hospital where privileges or membership are extended to
7 Respondent, at any other facility where Respondent engages in the practice of medicine,
8 including all physician and locum tenens registries or other similar agencies, and to the Chief
9 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
10 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
11 calendar days.

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

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

16 9. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
17 under penalty of perjury on forms provided by the Board, stating whether there has been
18 compliance with all the conditions of probation.

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

21 10. GENERAL PROBATION REQUIREMENTS.

22 Compliance with Probation Unit

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

24 Address Changes

25 Respondent shall, at all times, keep the Board informed of Respondent's business and
26 residence addresses, email address (if available), and telephone number. Changes of such
27 addresses shall be immediately communicated in writing to the Board or its designee. Under no
28 circumstances shall a post office box serve as an address of record, except as allowed by Business

1 and Professions Code section 2021, subdivision (b).

2 Place of Practice

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

6 License Renewal

7 Respondent shall maintain a current and renewed California physician's and surgeon's
8 license.

9 Travel or Residence Outside California

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

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

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

19 12. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
20 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
21 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
22 defined as any period of time Respondent is not practicing medicine as defined in Business and
23 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
24 patient care, clinical activity or teaching, or other activity as approved by the Board. If
25 Respondent resides in California and is considered to be in non-practice, Respondent shall
26 comply with all terms and conditions of probation. All time spent in an intensive training
27 program which has been approved by the Board or its designee shall not be considered non-
28 practice and does not relieve Respondent from complying with all the terms and conditions of

1 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
2 on probation with the medical licensing authority of that state or jurisdiction shall not be
3 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
4 period of non-practice.

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

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

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

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

18 13. COMPLETION OF PROBATION. Respondent shall comply with all financial
19 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
20 completion of probation. Upon successful completion of probation, Respondent's certificate shall
21 be fully restored.

22 14. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
23 of probation is a violation of probation. If Respondent violates probation in any respect, the
24 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
25 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,
26 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
27 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
28 the matter is final.

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

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

17. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing action agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2019-054798 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict license.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Stephen Boreman. 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.

1 DATED: Oct 13, 2021

2 REBECCA LYNN DARSBY, M.D.
3 Respondent

4 I have read and fully discussed with Respondent, Rebecca Lynn Darsby, M.D., the terms
5 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
6 Order. I approve its form and content.

7 DATED: 10-13-2021

8 STEPHEN BOREMAN
9 Attorney for Respondent

10 ENDORSEMENT

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

13 DATED: 10/13/21

14 Respectfully submitted,

15 RON BONTA
16 Attorney General of California
17 STEVEN D. MUMF
18 Supervising Deputy Attorney General

19 RYAN J. YATES
20 Deputy Attorney General
21 Attorney for Complainant

22 SA2021503795
23 Stipulated ISO 2/2021

Exhibit A

Accusation No. 800-2019-054798

1 ROB BONTA
Attorney General of California
2 STEVEN D. MUNI
Supervising Deputy Attorney General
3 RYAN J. YATES
Deputy Attorney General
4 State Bar No. 279257
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-6329
Facsimile: (916) 327-2247
7 *Attorneys for Complainant*

8
9
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. 800-2019-054798

14 **REBECCA LYNNE DARSEY, M.D.**
15 Kaiser Permanente
1 Quality Dr.
16 Vacaville, CA 95688

A C C U S A T I O N

17 Physician's and Surgeon's Certificate
18 No. A 88782,

Respondent.

19
20 **PARTIES**

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

24 2. On or about September 3, 2004, the Board issued Physician's and Surgeon's
25 Certificate Number A 88782 to Rebecca Lynne Darsey, 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 December 31, 2021, unless renewed.

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4. Section 2227 of the Code states:

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

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

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

5. Section 2220 of the Code states:

"Except as otherwise provided by law, the board may take action against all persons guilty of violating this chapter. The board shall enforce and administer this article as to physician and surgeon certificate holders, including those who hold certificates that do not permit them to practice medicine, such as, but not limited to, retired, inactive, or disabled status certificate

1 holders, and the board shall have all the powers granted in this chapter for these purposes
2 including, but not limited to:

3 “(a) Investigating complaints from the public, from other licensees, from health care
4 facilities, or from the board that a physician and surgeon may be guilty of unprofessional conduct.
5 The board shall investigate the circumstances underlying a report received pursuant to Section
6 805 or 805.01 within 30 days to determine if an interim suspension order or temporary restraining
7 order should be issued. The board shall otherwise provide timely disposition of the reports
8 received pursuant to Section 805 and Section 805.01.

9 “(b) Investigating the circumstances of practice of any physician and surgeon where there
10 have been any judgments, settlements, or arbitration awards requiring the physician and surgeon
11 or his or her professional liability insurer to pay an amount in damages in excess of a cumulative
12 total of thirty thousand dollars (\$30,000) with respect to any claim that injury or damage was
13 proximately caused by the physician’s and surgeon’s error, negligence, or omission.

14 “(c) Investigating the nature and causes of injuries from cases which shall be reported of a
15 high number of judgments, settlements, or arbitration awards against a physician and surgeon.”

16 6. Section 820 of the Code states:

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

24 7. Section 822 of the Code states:

25 “ If a licensing agency determines that its licentiate’s ability to practice his or her
26 profession safely is impaired because the licentiate is mentally ill, or physically ill affecting
27 competency, the licensing agency may take action by any one of the following methods:

28 “(a) Revoking the licentiate’s certificate or license.

1 “(b) Suspending the licentiate’s right to practice.

2 “(c) Placing the licentiate on probation.

3 “(d) Taking such other action in relation to the licentiate as the licensing agency in its
4 discretion deems proper.

5 “The licensing section shall not reinstate a revoked or suspended certificate or license
6 until it has received competent evidence of the absence or control of the condition which caused
7 its action and until it is satisfied that with due regard for the public health and safety the person’s
8 right to practice his or her profession may be safely reinstated.”

9 **CAUSE FOR RESTRICTION AND/OR REVOCATION**
10 **(Mental or Physical Illness Affecting Competency to Practice Medicine)**

11 8. Respondent’s Physician’s and Surgeon’s Certificate No. A 88782 is subject to action
12 under section 822 of the Code, in that her ability to practice medicine safely is impaired, because
13 she is mentally or physically ill, affecting competency, as more particularly alleged hereinafter.

14 9. On or about April 4, 2019, the Board received a Subsequent Arrest Notification,
15 which stated that Respondent was arrested on April 3, 2019, for 31 counts of Animal Cruelty
16 (Penal Code, section 597 (A)) and 1 count of Willful Cruelty to a Child (Penal Code, section 273
17 (A)). The circumstances are as follows:

18 11. On or about January 16, 2019, the Yolo County Sheriff’s Office (YCSO) received a
19 phone call requesting a welfare check on a large number of animals in Respondent’s home. The
20 caller stated that Respondent had over twenty (20) animals living in her home, such as, cats, dogs,
21 and exotic birds. The caller additionally expressed concern for the welfare of Respondent’s 10-
22 year-old son, who also lived at the residence.

23 12. Following the complaint, investigators searched the Yolo County Animal services
24 database and found that Respondent had one cat and two dogs registered under her name.
25 However, following a conversation with the office manager at the veterinary clinic, used by
26 Respondent, investigators were informed that Respondent had brought in 21 different animals for
27 veterinary treatment. The office manager additionally told the investigator that during
28 Respondent’s visits, the animals were often unkempt and exhibited a variety of illnesses.

1 13. On January 22, 2019, YCSO officers went to Respondent's home. Upon entering the
2 home, the strong smell of pet urine and feces caused difficulty breathing. Respondent's home was
3 in disarray with clothes laying all over the place and bird cages full of excrement, dog kennels
4 with feces in them and three large cats running around on the counters of the kitchen. There were
5 several large bird cages—full of feces—sitting on top of the table, on the floor and on other
6 kennels. There were nine cat litter boxes full of fecal matter, which appeared not to have been
7 cleaned in several days. Following the visit, YCSO officers shared their concerns with
8 Respondent and informed her that they would follow-up with her on or about January 29, 2019.

9 14. On or about January 25, 2019, Respondent contacted YCSO and cancelled the
10 appointment and said she would follow up the next week. However, Respondent never
11 reconnected with YCSO.

12 15. On or about March 15, 2019, an acquaintance of Respondent (Witness 1) contacted
13 YCSO and expressed concern regarding Respondent's treatment of the animals in her home. She
14 additionally stated that Respondent's son (Son) was unable to sleep in his own room, due to it
15 being used to house animals.

16 16. On or about April 3, 2019, YCSO served a search warrant and arrested Respondent
17 for Penal Code, section 21310; on 31 counts of Animal Cruelty (Penal Code, section 597 (A)) and 1
18 count of Willful Cruelty to a Child (Penal Code, section 273 (A)). During the arrest YCSO officers
19 noted that the home had an "overwhelming" smell of urine and feces. Officers additionally noted
20 that the condition of the premises was dirty and unsafe. During the search, six dead kittens were
21 found in Respondent's freezer. Following the YCSO search, an officer from Child Protective
22 Services (CPS), was contacted and arrived at the scene. Son was then taken to protective custody
23 and placed under the care of his father.

24 17. During YCSO's search of the home, officers located 24 cats (6 deceased), 5 dogs,
25 and 8 exotic birds on the property. Following the search, Respondent was taken into custody, and
26 on or about April 4, 2019, the YCSO notified the Board of Respondent's arrest.

27 18. On June 12, 2019, the Yolo County District Attorney's Office declined to file
28 criminal charges against Respondent.

1 19. Based on concerns regarding the above information, the Board requested that
2 Respondent participate in a voluntary mental evaluation—pursuant to Business and Professions
3 Code, section 820—in order to determine whether Respondent's ability to practice medicine
4 safely is impaired due to a mental illness. On or about April 23, 2021, Respondent signed a
5 voluntary agreement to participate in a mental examination by a Board-appointed psychiatrist (Dr.
6 W.).

7 20. On June 26, 2021, following her psychiatric evaluation of Respondent and review of
8 the relevant materials, Dr. W. submitted a report, which contained the following findings and
9 opinions:

10 A. Dr. W. found that Respondent suffered from Adjustment Disorder with
11 Mixed Anxiety Disorder and Depressed Mood. She further found that either Respondent's
12 distress is out of proportion to the severity of the stressor, or that there is significant
13 impairment in social, occupational, or other important areas of functioning. Respondent
14 reached a point where she was unable to work or take care of her household. With the
15 reactivation of these issues due to the Board investigation, she is again having symptoms
16 of depression and anxiety.

17 B. Dr. W. found that even with medication, Respondent's current screening
18 for depression is at the top of the normal range with a score of 4. She describes ongoing
19 anxiety symptoms currently and her GAD-7 (screening for Generalized Anxiety Disorder)
20 is elevated with a score of 6. She denies current depressed mood, but is on medication that
21 could be treating both her depression and her anxiety. A clear diagnosis is not only
22 muddled by the events and her reactions to them (e.g. the Adjustment Disorder noted
23 above), but also by medical factors that could be contributing to her symptoms, such as
24 her severe obstructive sleep apnea and her menopausal issues.

25 C. Dr. W. observed that following the aforementioned events, Respondent
26 failed to follow up with a psychiatrist for up to seven months. Additionally, Respondent
27 was self-prescribing prednisone, Effexor, and Maxalt, and did not have a primary care
28 provider that was monitoring her medical conditions. Instead, Respondent appeared to be

1 taking herself on and off medications unsupervised.

2 D. Dr. W. found that although Respondent's insight and judgement have
3 improved, she is still early in the process. Since Respondent has not been consistent with
4 her mental health follow-up, she and her providers might not become aware if her mental
5 health takes a downturn. Dr. W. concluded that without Board monitoring, and if
6 Respondent's mental health deteriorated, patient care could be compromised without
7 Respondent's intention or awareness.

8 E. Dr. W. further responded to the following questions:
9 When asked if Respondent had a mental illness or condition that impacts her ability to
10 safely engage in the practice of medicine, Dr. W. stated, "Yes...ADHD and Anxiety
11 Disorder as well as ongoing Adjustment disorder that could impact her ability to safely
12 engage in the practice of medicine."

13 F. When asked if Respondent's presentation is possibly due to a physical
14 illness, requiring physical examination, Dr. W. replied, "Yes...a physical examination as
15 well as ongoing medical care by a physician are necessary."

16 G. When asked if Respondent was able to practice medicine safely at this time
17 without any restrictions or conditions, Dr. W. replied, "No, although improved at present
18 she is not able to practice medicine safely at this time without restrictions or conditions."

19 H. When asked if Respondent was unable to practice medicine safely as a
20 result of a mental illness or condition, Dr. W. replied, "No, the physician is able to safely
21 practice medicine at this time if the appropriate monitoring and conditions are met."

22 I. When asked if Respondent's continued practice poses a present danger or
23 threat to the public health, welfare or safety, Dr. W. replied, "No, the physician's
24 continued practice does not pose a threat to public health at this time, *but there is risk that*
25 *it could in the future.*" [emphasis added.]

26 J. When asked if Respondent has a mental illness or condition which requires
27 monitoring, treatment, oversight, or other terms and conditions in order to practice
28 medicine safely, Dr. W. replied, "Yes, as outlined above, she does have a mental illness or

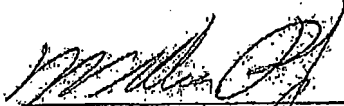
1 condition that requires monitoring, treatment oversight or other terms and conditions in
2 order to practice medicine safely."

3 PRAYER

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

- 6 1. Revoking or suspending Physician's and Surgeon's Certificate Number A-88782,
7 issued to Respondent Rebecca Lynne Darsey, M.D.;
8 2. Revoking, suspending or denying approval of Respondent Rebecca Lynne Darsey,
9 M.D.'s authority to supervise physician assistants and advanced practice nurses;
10 3. Ordering Respondent Rebecca Lynne Darsey, M.D., if placed on probation, to pay the
11 Board the costs of probation monitoring; and
12 4. Taking such other and further action as deemed necessary and proper.

13
14 DATED: SEP 29 2021


15 WILLIAM PRASIFKA
16 Executive Director
17 Medical Board of California
18 Department of Consumer Affairs
19 State of California
20 Complainant

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