1	ROB BONTA					
2	Attorney General of California STEVE DIEHL					
3	Supervising Deputy Attorney General RYAN J. YATES					
4	Deputy Attorney General State Bar No. 279257					
5	1300 I Street, Suite 125 P.O. Box 944255					
6	Sacramento, CA 94244-2550 Telephone: (916) 210-6329					
7	Facsimile: (916) 327-2247 E-mail: Ryan. Yates@doj.ca.gov					
8	Attorneys for Complainant	n avvv				
9	BEFORE THE MEDICAL BOARD OF CALIFORNIA					
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA					
11	In the Matter of the Petition to Revoke	Case No. 800-2024-109818				
12	Probation Against:	Cuse 110, 000 2021 107010				
13	REBECCA LYNNE DARSEY, M.D. Kaiser Permanente	DEFAULT DECISION AND ORDER				
14	1 Quality Drive Vacaville, CA 95688					
15	Physician's and Surgeon's Certificate	[Gov. Code, §11520]				
16	No. A 88782					
17	Respondent.					
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 C	California.				
24	2. On or about September 3, 2004, the M	Medical Board of California (Board) issued				
25	Physician's and Surgeon's Certificate No. A 88782	2 to Respondent. The Physician's and				
26	Surgeon's Certificate expired on December 31, 20	223, 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 Agency, served by Certified and First Class Mail a copy of the Petition to Revoke Probation No. 800-2024-109818, Statement to Respondent; Notice of Defense; Request for Discovery; and Discovery Statutes to Respondent's address of record with the Board, which was Kaiser Permanente, 1 Quality Drive, Vacaville, CA 95688, and to the last known address for Respondent's counsel of record, Stephen Boreman, which was and is 50 California Street, 34<sup>th</sup> Floor, San Francisco, CA 94111. A copy of the Petition to Revoke Probation, the related documents, and Declaration of Service are attached as **Exhibit B**, and are incorporated herein by reference.
- 5. Service of the Petition to Revoke Probation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).
- 6. On or about September 9, 2024, the aforementioned documents were delivered by the U.S. Postal Service to Stephen Boreman. On or about September 20, 2024, the aforementioned documents were returned by the U.S. Postal Service to the Medical Board of California. A copy of the tracking information provided by the post office is attached as **Exhibit C**, and is incorporated herein by reference.
- 7. On or about September 23, 2024, R. Henke, an employee of the Department of Justice, served by Certified and First Class Mail a Courtesy Notice of Default, including a copy of the Petition to Revoke Probation No. 800-2024-109818, Statement to Respondent; Notice of Defense; Request for Discovery; and Discovery Statutes to Respondent's address of record with the Board, which was Kaiser Permanente, 1 Quality Drive, Vacaville, CA 95688, and to an additional address provided by Stephen Boreman, which is 1843 White Sands Lane, Davis, CA 95616. A copy of the Courtesy Notice of Default, the related documents, and Declaration of Service are attached as **Exhibit D**, and are incorporated herein by reference.
- 8. On or about September 27, 2024, the aforementioned documents were returned by the U.S. Postal Service marked "RTS No Longer" and "Return to Sender Insufficient Address Unable to Forward." A copy of the envelope returned by the post office is attached as **Exhibit E**, and is incorporated herein by reference.

- 9. Business and Professions Code section 118 states, in pertinent part:
- (b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the license on any such ground.
- 10. Government Code section 11506 states, in pertinent part:
- (c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.
- 11. Respondent failed to file a Notice of Defense within 15 days after service upon her of the Petition to Revoke Probation, and therefore waived her right to a hearing on the merits of Petition to Revoke Probation No. 800-2024-109818.
- 12. The declaration of Ryan Yates, Deputy Attorney General, as to the above-described attempts at service and related actions is included as **Exhibit F** and incorporated herein by reference.
- 13. The declaration of Lisa Montoya, Inspector II, as to Respondent's probation history is included as **Exhibit G** and incorporated herein by reference. Based on Exhibit G, the Board finds that between on or about January 14, 2022, and July 11, 2024, Respondent routinely violated the terms of her probation. This includes, but is not limited to, Respondent's failures to meet with her probation monitor; Respondent's failure to enroll in a prescribing course; Respondent's failure to enroll in psychotherapy; Respondent's failure to provide verification of treatment with a primary 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.

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

1

2

3

4

5

13

21

23

24

25

26

27

28

15.

#### <u>ORDER</u>

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

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

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

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

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

It is so ORDERED JAN 1 6 2025

REJI VARGHESE

EXECUTIVE DIRECTOR

MEDICAL BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS

FR2024303249 38652867.docx

ľ						
1	ROB BONTA					
2	Attorney General of California STEVE DIEHL					
3	Supervising Deputy Attorney General RYAN J. YATES					
4	Deputy Attorney General State Bar No. 279257					
5	1300 I Street, Suite 125 P.O. Box 944255					
6	Sacramento, CA 94244-2550					
7	Telephone: (916) 210-6329 Facsimile: (916) 327-2247					
- 1	Attorneys for Complainant					
8	BEFORE THE					
9	MEDICAL BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS					
10	STATE OF CONSUMER ATTAINS  STATE OF CALIFORNIA					
11						
12	In the Matter of the Petition to Revoke	Case No. 800-2024-109818				
13	Probation Against:					
14	REBECCA LYNNE DARSEY, M.D. Kaiser Permanente	PETITION TO REVOKE PROBATION				
15	1 Quality Dr. Vacaville, CA 95688					
16 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 N	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,					
		1				

- (b) Gross negligence.
- (c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.
- (1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.
- (2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.
  - (d) Incompetence.
- (e) The commission of any act involving dishonesty or corruption that is substantially related to the qualifications, functions, or duties of a physician and surgeon.
  - (f) Any action or conduct that would have warranted the denial of a certificate.
- (g) The failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.

#### DECISION AND ORDER, CASE NO. 800-2019-054798

- 7. On or about September 29, 2021, an Accusation was filed against Respondent titled In the Matter of the Accusation against Rebecca Lynne Darcy, M.D., Case No. 800-2019-054798, alleging that Respondent was subject to disciplinary action under Code Section 822, relating to mental or physical illness affecting her competency to practice medicine.
- 8. On or about October 13, 2021, Respondent signed a Stipulated Settlement and 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

stayed and she was placed on probation for five years, with the following terms and conditions:

Prescribing Practices course, to be completed within 6 months of enrollment; Psychotherapy;

Continue treatment with primary care physician; Prohibition from self-prescribing any drugs;

Obtain a practice monitor within 60 calendar days of the effective date of this Decision; Solo practice prohibition; and abide by all terms and conditions of her probation. That Decision is now final, and a copy of the Decision is attached as Exhibit A and incorporated by reference herein.

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

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

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

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

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

At all times after the effective date of Respondent's probation, Condition No. 9, titled Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the Respondent shall submit quarterly declarations not later than 10 calendar days At all times after the effective date of Respondent's probation, Condition No. 10, titled GENERAL PROBATION REQUIREMENTS, with the relevant subsection, LICENSE Respondent shall maintain a current and renewed California physician's and At all times after the effective date of Respondent's probation, Condition No. 11, 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 5

28 ||

///

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

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

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

- a. Respondent's period of non-practice while on probation shall not exceed two (2) years.
- b. Periods of non-practice will not apply to the reduction of the probationary term.
- 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. At all times after the effective date of Respondent's probation, Condition No. 14, titled VIOLATION OF PROBATION, stated:

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

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

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.

#### COST RECOVERY

19. 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**

- 20. On or about January 14, 2022, Respondent was scheduled to appear in an intake interview with her assigned probation monitor (Monitor). Respondent called the day before to reschedule the interview to January 25, 2022. On or about January 25, 2022, Respondent failed to appear at the scheduled interview. On or about February 1, 2022, Respondent was sent a Non-Compliance Letter.
- 21. Respondent's intake interview was rescheduled to February 8, 2022. During the interview, Monitor explained to Respondent each of the aforementioned terms and conditions of Respondent's Stipulated Settlement and Disciplinary Order (No. 800-2019-054798), as well as the deadlines that Respondent was required to meet. Additionally, during the interview, Respondent stated to Monitor that she had not been practicing medicine since on or before January 14, 2022. Following the meeting, Respondent signed an Acknowledgement of Decision, which stated the following, in part:

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

///

- 22. Following the January 14, 2022, effective date of the Decision, Respondent failed to enroll in a Prescribing Practices Course within 60 days; failed to submit to the Board names of psychiatrists or licensed psychologists within 60 days; failed to continue treatment with her primary care physician within 30 days; failed to submit an initial Quarterly Declaration (Quarter I); and failed to comply with the Board's request for an interview.
- 23. On or about April 19, 2022, a second Non-Compliance Letter was mailed to Respondent for failure to enroll in a Prescribing Practices Course, failure to nominate a Psychotherapist, failure to provide verification of continued treatment with a Primary Care Physician, failure to submit a Quarter I, 2022 Declaration, and failure to comply with the Board's request for an interview. Respondent did not respond to the Non-Compliance Letter.
- 24. On or about April 29, 2022, a third Non-Compliance Letter was sent to Respondent for failure to provide her Quarter I 2022 Quarterly Declaration to Monitor.
- 25. On or about June 10, 2022, a fourth Non-Compliance Letter was mailed and emailed to Respondent for failing to provide Monitor with probation intake documents; failure to enroll in a Prescribing Practices Course; failure to nominate a Psychotherapist to the Board; failure to provide verification of continued treatment with a Primary Care Physician; failure to submit a Quarter I Declaration; and failure to comply with the Board's request for an interview. Respondent did not respond to the email or letter.
- 26. On or about June 23, 2022, a letter and email were sent to Respondent informing her that an interview for the second quarter of her probation (Quarter II) was scheduled for June 29, 2022, at 11:00 a.m. Respondent did not respond to the request and failed to attend the Quarter II interview on June 29, 2022.
- 27. On or about July 19, 2022, a fifth Non-Compliance Letter was mailed to Respondent for failing to provide Monitor with probation intake documents; failure to enroll in a Prescribing Practices Course; failure to nominate a Psychotherapist to the Board; failure to provide verification of continued treatment with a Primary Care Physician; failure to submit a Quarter II Declaration; and failure to comply with the Board's request for an interview. Respondent did not respond to the email or letter.

- 28. On or about September 2, 2022, a letter and email were sent to Respondent informing her that an interview for the third quarter of her probation (Quarter III) was scheduled for September 20, 2022, at 11:00 a.m. Respondent did not respond to the request and failed to attend the Quarter III interview on September 20, 2022.
- 29. On or about September 27, 2022, a sixth Non-Compliance Letter was sent to Respondent for failure to nominate a Psychotherapist to the Board; failure to provide verification of continued treatment with a Primary Care Physician; failure to submit Quarterly Declarations; and failure to comply with the Board's request for an interview for Quarter III.
- 30. On or about October 28, 2022, Respondent was sent a seventh Non-Compliance Letter for failing to submit Quarter I, Quarter II, and Quarter III Quarterly Declarations for 2022. Monitor attempted to schedule a Quarter IV interview with Respondent to take place on or about December 22, 2022, at 11:00 a.m., however, Respondent did not respond to the attempts to schedule the interview and did not appear at said interview.
- 31. On or about January 3, 2023, an eighth Non-Compliance Letter was sent to Respondent for failure to nominate a Psychotherapist to the Board; failure to provide verification of continued treatment with a Primary Care Physician; failure to submit Quarterly Declarations; and failure to comply with the Board's request for an interview for Quarter 1, Quarter II, and Quarter III of 2022. The Letter was returned to the Board as unclaimed.
- 32. On or about February 7, 2023, Respondent met Monitor for her Quarter I interview, for the year 2023. Respondent filled out her Quarter IV, 2022, Quarterly Declaration onsite. Respondent was also given an invoice of the probation monitoring costs and a ninth Non-Compliance letter for failure to provide intake documents, failure to enroll in a Prescribing Practices Course, failure to enroll in 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.
- 33. On or about March 3, 2023, a tenth Non-Compliance Letter was mailed to Respondent for failure to enroll in a Prescribing Practices Course; failure to enroll in Psychotherapy; failure to provide verification of continued treatment with a Primary Care

3

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

- On or about October 3, 2023, Respondent was issued a fourteenth Non-Compliance 39. Letter for failing to meet Monitor for a Quarter III 2023 interview; failure to enroll in a Prescribing Practices Course; failure to enroll in Psychotherapy; failure to provide verification of continued treatment with a Primary Care Physician; and failure to submit Quarterly Declarations.
- On or about December 30, 2023, Respondent was issued a fifteenth Non-Compliance Letter for failing to meet Monitor for a Quarter IV 2023 interview; failure to enroll in a Prescribing Practices Course; failure to enroll in Psychotherapy; failure to provide verification of continued treatment with a Primary Care Physician; and failure to submit Quarterly Declarations.
  - On or about December 31, 2023, Respondent's license expired. 41.
- On or about January 14, 2024, Respondent's period of non-practice exceeded two 42. years.
- On or about April 29, 2024, Respondent was issued a third Non-Practice Letter, 43. which reiterated the terms of Probation Order, Condition #12. It further reiterated to Respondent that as of July 16, 2023, her period of non-practice exceeded 18 months, and as of January 14, 2024, her period of non-practice exceeded two years.

#### FIRST CAUSE TO REVOKE PROBATION

(Prescribing Practices Course)

- Respondent's probation is subject to revocation because she failed to comply with 44. Probation Condition 1, referenced above. The facts and circumstances are as follows:
- Beginning on or about the January 14, 2022, effective date of the Decision, 45. Respondent failed to enroll in a Prescribing Practices Course within 60 days. Respondent remains in violation of Condition 1 of the Decision. Therefore, cause exists to impose the disciplinary order of revocation that was previously stayed.

111 27 111

22

23

24

25

26

#### SECOND CAUSE TO REVOKE PROBATION

(Psychotherapy)

- 46. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 2, referenced above. The facts and circumstances are as follows:
- 47. Beginning on or about the January 14, 2022, effective date of the Decision, Respondent failed to 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 within 60 days. Respondent remains in violation of Condition 2 of the Decision. Therefore, cause exists to impose the disciplinary order of revocation that was previously stayed.

#### THIRD CAUSE TO REVOKE PROBATION

(Continue Treatment with Primary Care Physician)

- 48. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 3, referenced above. The facts and circumstances are as follows:
- 49. Beginning on or about the January 14, 2022, effective date of the Decision,
  Respondent failed to continue regular medical treatment by a Board-approved physician and/or
  provide verification of said treatment to the Board within 30 calendar days of the effective date of
  this Decision. Respondent remains in violation of Condition 3 of the Decision. Therefore, cause
  exists to impose the disciplinary order of revocation that was previously stayed.

#### FOURTH CAUSE TO REVOKE PROBATION

(Quarterly Declarations)

- 50. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 9, referenced above. The facts and circumstances are as follows:
- A. Respondent failed to submit Quarterly Declarations to the Board for the following Quarters in 2022: Quarter I, Quarter II, and Quarter III.
- B. Respondent failed to submit Quarterly Declarations to the Board for the following Quarters in 2023: Quarter I, Quarter II, Quarter III, and Quarter IV.

## 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

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 <u>January 14, 2022</u>.

IT IS SO ORDERED: December 15, 2021.

MEDICAL BOARD OF CALIFORNIA

Case No.: 800-2019-054798

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 Woods

7 / 1 2024 Date

		,		
1	ROB BONTA			
2	Attorney General of California STEVEN D. MUNI			
3	Supervising Deputy Attorney General RYAN J. YATES			
4	Deputy Attorney General State Bar No. 279257			
5	1300 I Street, Suite 125 P.O. Box 944255			
	Sacramento, CA 94244-2550			
6	Telephone: (916) 210-6329 Facsimile: (916) 327-2247	·		
7	Attorneys for Complainant			
8	BEFORE THE			
9	MEDICAL BOARD OF CALIFORNIA			
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA			
11				
12	In the Matter of the Accusation Against:	Case No. 800-2019-054798		
13	REBECCA LYNNE DARSEY, M.D.			
14	Kaiser Permanente	STIPULATED SETTLEMENT AND		
15	1 Quality Dr. Vacaville, CA 95688	DISCIPLINARY ORDER		
16	Physician's and Surgeon's Certificate			
17	No. A 88782	·		
18	Respondent.	•		
19		1		
20	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-			
21	entitled proceedings that the following matters ar	e true:		
22	, <u>PARTIES</u>			
23	1. William Prasifka (Complainant) is th	e 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 St	ate 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			

Stipulated Settlement and Disciplinary Order (800-2019-054798)

. 

50 California Street, 34th floor, San Francisco, CA 94111. On or about September 3, 2004, the Board issued Physician's and Surgeon's Certificate No. A 88782 to Rebecca Lynne Darsey, 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. 800-2019-054798, and will expire on December 31, 2021, unless renewed.

#### **JURISDICTION**

- 3. Accusation No. 800-2019-054798 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 September 29, 2021 Respondent timely filed her Notice of Defense contesting the Accusation.
- 4. A copy of Accusation No. 800-2019-054798 is attached as exhibit A and incorporated herein by reference.

#### ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2019-054798. Respondent has also carefully read, fully discussed with her counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.
- 6. Respondent is fully aware of her 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 her; the right to present evidence and to testify on her 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.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

#### **CULPABILITY**

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

. 

27.  Physician's and Surgeon's Certificate.

- 9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in Accusation No. 800- 2019-060435, a true and correct copy of which is attached hereto as Exhibit A, and that she has thereby subjected her Physician's and Surgeon's Certificate, No. G 72934 to disciplinary action, and Respondent hereby gives up her right to contest those charges.
- 10. Respondent agrees that her Physician's and Surgeon's Certificate is subject to discipline based on this agreement and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

#### **CONTINGENCY**

- 11. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- 12. Respondent agrees that if she ever petitions for early termination or modification of probation, or 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.
- 13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile

DISCIPLINARY ORDER

enter the following Disciplinary Order:

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

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

14. In consideration of the foregoing admissions and stipulations, the parties agree that

the Board may, without further notice or opportunity to be heard by the Respondent, issue and

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

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

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

2. <u>PSYCHOTHERAPY</u>. 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

26.

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 the psychotherapist may deem pertinent.

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

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

- 3. CONTINUE TREATMENT WITH PRIMARY CARE PHYSICIAN. Within 30 calendar days of the effective date of this Decision, and on a periodic basis thereafter as may be required by the Board or its designee, Respondent shall continue regular medical treatment by a Board-approved physician. Respondent shall provide the physician with any information and documentation that the physician may deem pertinent. Respondent shall, upon demand from the Board, provide verification that she is under the care and treatment of a primary care physician.
- 4. <u>PROHIBITED SELF-PRESCRIBING</u>. During probation, Respondent is prohibited from self-prescribing prescription drugs/medications.
- 5. <u>MONITORING PRACTICE</u>. Within 30 calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for prior approval as a practice monitor, the name and qualifications of one or more licensed physicians and surgeons whose

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

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

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

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

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

23`

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

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

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

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

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

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

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

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

- 8. <u>OBEY ALL LAWS</u>. Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.
- 9. <u>OUARTERLY DECLARATIONS</u>. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation.

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

#### 10. GENERAL PROBATION REQUIREMENTS.

Compliance with Probation Unit

Respondent shall comply with the Board's probation unit.

#### Address Changes

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

28.

and Professions Code section 2021, subdivision (b).

#### Place of Practice

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

#### License Renewal

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

#### Travel or Residence Outside California

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

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

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

1,6

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

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

- a. Respondent's period of non-practice while on probation shall not exceed two (2) years.
- b. Periods of non-practice will not apply to the reduction of the probationary term.
- 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.
- 13. <u>COMPLETION OF PROBATION</u>. Respondent shall comply with all financial obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, Respondent's certificate shall be fully restored.
- 14. <u>VIOLATION OF PROBATION</u>. Failure to fully comply with any term or condition of probation is a violation of probation. If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

- 15. <u>LICENSE SURRENDER</u>. 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. <u>FUTURE ADMISSIONS CLAUSE</u>. 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.

. •		DATED, Oct 13 2021 Particular States
	2	KEBECCALYNNE DARSEY MAL
	3	Ruspindent.
	4.	'amig' on diving the rest of the second state of the second secon
	5	and conditions and other itands opposition of the above supplified settlement and Disciplinary Order: Improve its from untilication.
	6	
	7	CHEPHEN BOREMAN
, .	8	Allbruit fin kesponden
	9	ATT BUT THE COLUMN PROPERTY OF THE LEADING
	10	ENDORSEMENT
•	11	The foregoing Stipulated Scaling and Disciplinary Order's hology stops of all the control of the
	12	submitted for vious identified by the triedlent Bourd of Callibrate.
	13	DATED: 10/13/21 Responsibilities.
	14	Ron Bonta
	15	Attorney General of California States D. Musil Supervising Deputy Attorney General
	16	Supervising Deputy Attorney General
	17	
•	18	RYANG YOUNGS.
	19	RYANG, Youngs. (Disputs Augines, General authorities, Francists)
	20	:SA2021303795
	21	Stipppppd (\$0.05)
	22	
	23:	
	24.	
	25	
	26	
	27	
•	28	
	<b>*</b> 0	12

### Exhibit A

Accusation No. 800-2019-054798

- 18	•			
1	ROB BONTA			
2	Attorney General of California STEVEN D. MUNI			
3	Supervising Deputy Attorney General RYAN J. YATES			
4	Deputy Attorney General State Bar No. 279257			
5	1300 I Street, Suite 125 P.O. Box 944255			
6	Sacramento, CA 94244-2550 Telephone: (916) 210-6329			
7	Facsimile: (916) 327-2247 Attorneys for Complainant			
8				
9				
10	BEFORE THE			
11	MEDICAL BOARD OF CALIFORNIA 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. ACCUSATION			
15 16	Kaiser Permanente 1 Quality Dr. Vacaville, CA 95688			
17	Physician's and Surgeon's Certificate No. A 88782,			
18	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.			
28	111			
	1			
	(Rebecca Lynne Darsey, M.D.) Accusation No. 800-2019-054798			

#### **JURISDICTION**

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

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

- "(a) Investigating complaints from the public, from other licensees, from health care facilities, or from the board that a physician and surgeon may be guilty of unprofessional conduct. The board shall investigate the circumstances underlying a report received pursuant to Section 805 or 805.01 within 30 days to determine if an interim suspension order or temporary restraining order should be issued. The board shall otherwise provide timely disposition of the reports received pursuant to Section 805 and Section 805.01.
- "(b) Investigating the circumstances of practice of any physician and surgeon where there have been any judgments, settlements, or arbitration awards requiring the physician and surgeon or his or her professional liability insurer to pay an amount in damages in excess of a cumulative total of thirty thousand dollars (\$30,000) with respect to any claim that injury or damage was proximately caused by the physician's and surgeon's error, negligence, or omission.
- "(c) Investigating the nature and causes of injuries from cases which shall be reported of a high number of judgments, settlements, or arbitration awards against a physician and surgeon."
  - 6. Section 820 of the Code states:

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

#### 7. Section 822 of the Code states:

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

"(a) Revoking the licentiate's certificate or license.

- "(b) Suspending the licentiate's right to practice.
- "(c) Placing the licentlate on probation.
- "(d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

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

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

- 8. Respondent's Physician's and Surgeon's Certificate No. A 88782 is subject to action under section 822 of the Code, in that her ability to practice medicine safely is impaired, because she is mentally or physically ill, affecting competency, as more particularly alleged hereinafter.
- 9. On or about April 4, 2019, the Board received a Subsequent Arrest Notification, which stated that Respondent was arrested on April 3, 2019, for 31 counts of Animal Cruelty (Penal Code, section 597 (A)) and 1 count of Willful Cruelty to a Child (Penal Code, section 273 (A)). The circumstances are as follows:
- 11. On or about January 16, 2019, the Yolo County Sherriff's Office (YCSO) received a phone call requesting a welfare check on a large number of animals in Respondent's home. The caller stated that Respondent had over twenty (20) animals living in her home, such as, cats, dogs, and exotic birds. The caller additionally expressed concern for the welfare of Respondent's 10-year-old son, who also lived at the residence.
- 12. Following the complaint, investigators searched the Yolo County Animal services database and found that Respondent had one cat and two dogs registered under her name. However, following a conversation with the office manager at the veterinary clinic, used by Respondent, investigators were informed that Respondent had brought in 21 different animals for veterinary treatment. The office manager additionally told the investigator that during Respondent's visits, the animals were often unkempt and exhibited a variety of illnesses.

- 13. On January 22, 2019, YCSO officers went to Respondent's home. Upon entering the home, the strong smell of pet urine and feces caused difficulty breathing. Respondent's home was in disarray with clothes laying all over the place and bird cages full of excrement, dog kennels with feces in them and three large cats running around on the counters of the kitchen. There were several large bird cages—full of feces—sitting on top of the table, on the floor and on other kennels. There were nine cat litter boxes full of fecal matter, which appeared not to have been cleaned in several days. Following the visit, YCSO officers shared their concerns with Respondent and informed her that they would follow-up with her on or about January 29, 2019.
- 14. On or about January 25, 2019, Respondent contacted YCSO and cancelled the appointment and said she would follow up the next week. However, Respondent never reconnected with YCSO.
- 15. On or about March 15, 2019, an acquaintance of Respondent (Witness 1) contacted YCSO and expressed concern regarding Respondent's treatment of the animals in her home. She additionally stated that Respondent's son (Son) was unable to sleep in his own room, due to it being used to house animals.
- 16. On or about April 3, 2019, YCSO served a search warrant and arrested Respondent for Penal Code, section 21310; on 31 counts of Animal Cruelty (Penal Code, section 597 (A)) and 1 count of Willful Cruelty to a Child (Penal Code, section 273 (A)). During the arrest YCSO officers noted that the home had an "overwhelming" smell of urine and feces. Officers additionally noted that the condition of the premises was dirty and unsafe. During the search, six dead kittens were found in Respondent's freezer. Following the YCSO search, an officer from Child Protective Services (CPS), was contacted and arrived at the scene. Son was then taken to protective custody and placed under the care of his father.
- 17. During YCSO's search of the home, officers located 24 cats (6 deceased), 5 dogs, and 8 exotic birds on the property. Following the search, Respondent was taken into custody, and on or about April 4, 2019, the YCSO notified the Board of Respondent's arrest.
- 18. On June 12, 2019, the Yolo County District Attorney's Office declined to file criminal charges against Respondent.

- 19. Based on concerns regarding the above information, the Board requested that Respondent participate in a voluntary mental evaluation—pursuant to Business and Professions Code, section 820—in in order to determine whether Respondent's ability to practice medicine safely is impaired due to a mental illness. On or about April 23, 2021, Respondent signed a voluntary agreement to participate in a mental examination by a Board-appointed psychiatrist (Dr. W.).
- 20. On June 26, 2021, following her psychiatric evaluation of Respondent and review of the relevant materials, Dr. W. submitted a report, which contained the following findings and opinions:
  - A. Dr. W. found that Respondent suffered from Adjustment Disorder with Mixed Anxiety Disorder and Depressed Mood. She further found that either Respondent's distress is out of proportion to the severity of the stressor, or that there is significant impairment in social, occupational, or other important areas of functioning. Respondent reached a point where she was unable to work or take care of her household. With the reactivation of these issues due to the Board investigation, she is again having symptoms of depression and anxiety.
  - B. Dr. W. found that even with medication, Respondent's current screening for depression is at the top of the normal range with a score of 4. She describes ongoing anxiety symptoms currently and her GAD-7 (screening for Generalized Anxiety Disorder) is elevated with a score of 6. She denies current depressed mood, but is on medication that could be treating both her depression and her anxiety. A clear diagnosis is not only muddled by the events and her reactions to them (e.g. the Adjustment Disorder noted above), but also by medical factors that could be contributing to her symptoms, such as her severe obstructive sleep apnea and her menopausal issues.
  - C. Dr. W. observed that following the aforementioned events, Respondent failed to follow up with a psychiatrist for up to seven months. Additionally, Respondent was self-prescribing prednisone, Effexor, and Maxalt, and did not have a primary care provider that was monitoring her medical conditions. Instead, Respondent appeared to be

 taking herself on and off medications unsupervised.

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

  When asked if Respondent had a mental illness or condition that impacts her ability to safely engage in the practice of medicine, Dr. W. stated, "Yes...ADHD and Anxiety Disorder as well as ongoing Adjustment disorder that could impact her ability to safely engage in the practice of medicine."
- F. When asked if Respondent's presentation is possibly due to a physical illness, requiring physical examination, Dr. W. replied, "Yes...a physical examination as well as ongoing medical care by a physician are necessary."
- G. When asked if Respondent was able to practice medicine safely at this time without any restrictions or conditions, Dr. W. replied, "No, although improved at present she is not able to practice medicine safely at this time without restrictions or conditions."
- H. When asked if Respondent was unable to practice medicine safely as a result of a mental Illness or condition, Dr. W. replied, "No, the physician is able to safely practice medicine at this time if the appropriate monitoring and conditions are met."
- I. When asked if Respondent's continued practice poses a present danger or threat to the public health, welfare or safety, Dr. W. replied, "No, the physician's continued practice does not pose a threat to public health at this time, but there is risk that it could in the future." [emphasis added.]
- J. When asked if Respondent has a mental illness or condition which requires monitoring, treatment, oversight, or other terms and conditions in order to practice medicine safely, Dr. W. replied, "Yes, as outlined above, she does have a mental illness or