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

In the Matter of the Fourth Amended Accusation Against:	
Patrick Stephen Clyne, M.D.	**Case No. 800-2018-048871**
Physician's and Surgeon's Certificate No. G 79053	
Respondent.	

DECISION

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

This Decision shall become effective at 5:00 p.m. on June 13, 2025.

IT IS SO ORDERED May 15, 2025.

MEDICAL BOARD OF CALIFORNIA

Sharlene Smith For

Reji Varghese
Executive Director

ROB BONTA
Attorney General of California
GREG W. CHAMBERS
Supervising Deputy Attorney General
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Attorneys for Complainant

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

In the Matter of the Fourth Amended Accusation Against: **PATRICK STEPHEN CLYNE, M.D.** **Ped Med. Grp. of Watsonville** **222 Green Valley Road** **Freedom, CA 95019-3136** **Physician' and Surgeon's Certificate No. G 79053** Respondent.	Case No. 800-2018-048871 **STIPULATED SURRENDER OF LICENSE AND ORDER**

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and the responsibility of the Medical Board of California of the Department of Consumer Affairs, the parties hereby agree to the following Stipulated Surrender and Disciplinary Order which will be submitted to the Board for approval and adoption as the final disposition of the Accusation.

PARTIES

1. William Prasifka is the former Executive Director of the Medical Board of California (Board). He brought this action solely in his official capacity. Reji Varghese (Complainant) is now the Executive Director of the Board, and is represented in this matter by Rob Bonta, Attorney General of the State of California, by Greg W. Chambers, Supervising Deputy Attorney General.

2. PATRICK STEPHEN CLYNE, M.D. (Respondent) is represented in this proceeding by attorney Ian A. Scharg, Esq., whose address is: 400 University Avenue, Sacramento, CA 95825-6502.

3. On or about June 8, 1994, the Board issued Physician' and Surgeon's Certificate No. G 79053 to Respondent. The Physician' and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Fourth Amended Accusation No. 800-2018-048871 and will expire on October 31, 2025, unless renewed.

JURISDICTION

4. Accusation No. 800-2018-048871 was filed before the Board. The Accusation and all other statutorily required documents were properly served on Respondent on February 19, 2021. Respondent timely filed his Notice of Defense contesting the Accusation. The Fourth Amended Accusation 800-2018-048871 was filed on January 4, 2023, and is currently pending against Respondent. A copy of Fourth Amended Accusation No. 800-2018-048871 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Fourth Amended Accusation No. 800-2018-048871. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

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

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

CULPABILITY

8. Respondent understands that the charges and allegations in Fourth Amended Accusation No. 800-2018-048871, if proven at a hearing, constitute cause for imposing discipline upon his Physician' and Surgeon's Certificate.

9. For the purpose of resolving the Fourth Amended 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 the Fourth Amended Accusation and that those charges constitute cause for discipline. Respondent hereby gives up his right to contest that cause for discipline exists based on those charges.

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

CONTINGENCY

11. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his 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 Surrender 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. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Physician' and Surgeon's Certificate No. G 79053, issued to Respondent PATRICK STEPHEN CLYNE, M.D., is surrendered and accepted by the Board.

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

2. Respondent shall lose all rights and privileges as a physician and surgeon in California as of June 13, 2025.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before June 13, 2025.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Fourth Amended Accusation No. 800-2018-048871 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of $25,714.25 prior to issuance of a new or reinstated license.

6. 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 agency in the State of California, all of the charges and allegations contained in Fourth Amended Accusation, No. 800-2018-048871, 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 licensure.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney Ian A. Scharg, Esq. I understand the stipulation and the effect it will have on my Physician' and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 05/09/2025

Patrick Clyne, MD

PATRICK STEPHEN CLYNE, M.D.
Respondent

I have read and fully discussed with Respondent Patrick Stephen Clyne, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 5/9/2025

Ian A. Scharg

IAN A. SCHARG, ESQ.
Attorney for Respondent

ENDORSEMENT

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

DATED: May 12, 2025

Respectfully submitted,

ROB BONTA
Attorney General of California

Greg W. Chambers

GREG W. CHAMBERS
Supervising Deputy Attorney General
Attorneys for Complainant

Exhibit A

Fourth Amended Accusation No. 800-2018-048871

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Attorneys for Complainant

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

In the Matter of the Fourth Amended Accusation Against: **PATRICK STEPHEN CLYNE, M.D.** **Pediatric Med Grp. of Watsonville** **222 Green Valley Road** **Freedom, CA 95019-3136** **Physician's and Surgeon's Certificate No. G 79053,** Respondent.	Case No. 800-2018-048871 **FOURTH AMENDED ACCUSATION**

PARTIES

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

2. On or about June 8, 1994, the Medical Board issued Physician's and Surgeon's Certificate Number G 79053 to Patrick Stephen Clyne, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2023, unless renewed.

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JURISDICTION

3. This Fourth Amended Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2004 of the Code states:

"The board shall have the responsibility for the following:

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

"(b) The administration and hearing of disciplinary actions.

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

"(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of disciplinary actions.

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

"(f) Approving undergraduate and graduate medical education programs.

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

"(h) Issuing licenses and certificates under the board's jurisdiction.

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

5. Section 2001.1 of the Code provides that the Board's highest priority shall be public protection.

6. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

7. 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.

(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.

8. Section 2228.1 of the Code states.

(a) On and after July 1, 2019, except as otherwise provided in subdivision (c), the board and the Podiatric Medical Board of California shall require a licensee to provide a separate disclosure that includes the licensee's probation status, the length of the probation, the probation end date, all practice restrictions placed on the licensee by the board, the board's telephone number, and an explanation of how the patient can find further information on the licensee's probation on the

licensee's profile page on the board's online license information internet web site, to a patient or the patient's guardian or health care surrogate before the patient's first visit following the probationary order while the licensee is on probation pursuant to a probationary order made on and after July 1, 2019, in any of the following circumstances:

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

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

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

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

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

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

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

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

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

sign the copy.

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

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

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

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

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

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

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

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

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

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

9. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

10. Section 2266 of the Code states: "The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct."

11. Section 726 of the Code states:

(a) The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this or under any initiative act referred to in this division.

(b) This section shall not apply to consensual sexual contact between a licensee and his or her spouse or person in an equivalent domestic relationship when that licensee provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person in an equivalent domestic relationship.

12. All of the incidents alleged herein occurred in California.

COST RECOVERY

13. 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.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Gross Negligence/Repeated Negligent Acts – Patient One)[1]

14. Respondent has subjected his license to disciplinary action under sections 2234 [unprofessional conduct], 2234(b) [gross negligence] and/or 2234(c) [repeated negligent acts] of the Code for unprofessional conduct, in that his care and treatment of Patient One included departures from the standard of care constituting gross negligence and repeated negligent acts. The circumstances are as follows:

15. On or around January 24, 2014, Patient One, then nine years old, was seen by Respondent for a routine physical exam. Patient One was fully clothed for the visit. Respondent

[1] The patients are identified herein as Patient One through Patient Six and Patient Eleven and Patient Twleve to preserve confidentiality. The patients' names will be provided to Respondent in discovery.

told Patient One's mother that Respondent had to take Patient One's pants and underwear off. He said he was going to check Patient One's stomach and that he would have to put his fingers in her vagina in order to examine her stomach. The mother took Patient One and left before the examination could be conducted.

16. Respondent is guilty of unprofessional conduct and subject to disciplinary action under sections 2234 [unprofessional conduct], and/or 2234(b) [gross negligence], and/or 2234(c) [repeated negligent acts] of the Code, including but not limited to, the following:

A. Failure to follow a standard well-child check and with standard Tanner staging[2] when there is no indication to insert a finger or speculum into the vagina.

SECOND CAUSE FOR DISCIPLINE
(Unprofessional Conduct: Gross Negligence/Repeated Negligent Acts - Patient Two)

17. Respondent has subjected his license to disciplinary action under sections 2234 [unprofessional conduct], 2234(b) [gross negligence], and/or 2234(c) [repeated negligent acts] of the Code for unprofessional conduct, in that his care and treatment of Patient Two included departures from the standard of care constituting gross negligence, and/or repeated negligent acts. The circumstances are as follows:

18. On or about May 7, 2018, Patient Two, then eight years old, was seen by Respondent for a routine physical exam. Initially, Patient Two was provided a gown to wear over his underwear. During the examination, Respondent had Patient Two completely disrobe and walk around the room, apparently to evaluate the patient's balance.

19. Without indication that Patient Two had constipation, blood in the stool, or neurological complaints, Respondent used his hands to spread Patient Two's buttocks apart and asked Patient Two if he cleaned his anus well.

20. Respondent is guilty of unprofessional conduct and subject to disciplinary action under sections 2234 [unprofessional conduct], and/or 2234(b) [gross negligence], and/or 2234(c) [repeated negligent acts] of the Code, including but not limited to, the following:

[2] Also known as Sexual Maturity Rating (SMR), it is an objective classification system that providers use to document and track the development and sequence of secondary sex characteristics of children during puberty.

A. Failure to follow a standard well-child check.

THIRD CAUSE FOR DISCIPLINE
(Unprofessional Conduct: Repeated Negligent Acts – Patient Three)

21. Respondent has subjected his license to disciplinary action under sections 2234 [unprofessional conduct], and 2234(c) [repeated negligent acts] of the Code for unprofessional conduct, in that his care and treatment of Patient Three included departures from the standard of care constituting repeated negligent acts. The circumstances are as follows:

22. Respondent saw and treated Patient Three from around October 14, 2014 to February 8, 2019. On December 14, 2016, Respondent noted in the records that Patient Three demonstrated Attention Deficit Hyperactivity Disorder (ADHD) behavior in class but not at home. There is reference in the charts to Vanderbilt questionnaire results,[3] but the questionnaire and actual scores are not in the records. Additionally, there is no evidence of any discussion with the parent or patient regarding risks versus benefits of medication for ADHD. The patient was started on 27 mg. of Concerta,[4] not the traditional starting dose of 18 mg. Records for the follow-up visits list vital signs but are deficient in review of progress, side effects and necessary vital sign data for Patient Three in light of his course of treatment for ADHD.

23. Respondent is guilty of unprofessional conduct and subject to disciplinary action under sections 2234 [unprofessional conduct] and/or 2234(c) [repeated negligent acts] of the Code, including but not limited to, the following:

A. The care delivered on the visits since the stimulants were started for ADHD were not consistent with the standard of care for the diagnosis, treatment and follow-up of ADHD involving the use of psychostimulant medication.

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[3] The NICHQ Vanderbilt Assessment Scales are used by health care professionals to help diagnose ADHD in children between the ages of 6 and 12-years of age.

[4] Concerta, the trade name for methylphenidate hydrochloride, is a CNS stimulant indicated for the treatment of attention deficit hyperactivity disorder ("ADHD"). Methylphenidate should be given cautiously to patients with a history of drug dependence or alcoholism. Chronic abusive use can lead to marked tolerance and psychological dependence with varying degrees of abnormal behavior. The minimum dosage is one, 18 mg. tablet daily; the maximum dosage is one, 54 mg. tablet daily. Methylphenidate is a dangerous drug as defined in section 4022 of the Code and a Schedule II controlled substance under Health and Safety Code section 11055(d)(6).

FOURTH CAUSE FOR DISCIPLINE
(Unprofessional Conduct: Repeated Negligent Acts – Patient Four)

24. Respondent has subjected his license to disciplinary action under sections 2234 [unprofessional conduct], and 2234(c) [repeated negligent acts] of the Code for unprofessional conduct, in that his care and treatment of Patient Four included departures from the standard of care constituting repeated negligent acts. The circumstances are as follows:

25. Patient Four appears to have been treated by Respondent between at least August 4, 2017, and February 27, 2019. On August 17, 2018, Patient Four, then sixteen years old, was seen by Respondent for a physical examination. The mother of Patient Four alleges that Respondent did not use gloves during an examination of the patient's genitalia.

26. Patient Four had previously been diagnosed with ADHD by another treatment provider. Respondent's records first note an ADHD diagnosis on August 4, 2017, with a prescription for 27 mg. of Concerta for use on school days. However, there is no reference in the medical records regarding the original diagnosis, response to treatment or medication side effects, including risk versus benefits of the prescribed medicines. Records of subsequent visits are inconsistent with respect to review of potential side effects and full vital signs that are important when stimulants are prescribed.

27. Respondent is guilty of unprofessional conduct and subject to disciplinary action under sections 2234 [unprofessional conduct] and/or 2234(c) [repeated negligent acts] of the Code, including but not limited to, the following:

A. Failure to follow a standard well-child check.

B. The care delivered to the patient on the visits since the stimulants were started for ADHD were not consistent with the standard of care for the diagnosis, treatment and follow-up of ADHD involving the use of psychostimulant medication.

FIFTH CAUSE FOR DISCIPLINE
(Unprofessional Conduct: Repeated Negligent Acts – Patient Five)

28. Respondent has subjected his license to disciplinary action under sections 2234 [unprofessional conduct], and 2234(c) [repeated negligent acts] of the Code for unprofessional

conduct, in that his care and treatment of Patient Five included departures from the standard of care constituting repeated negligent acts. The circumstances are as follows:

29. Respondent treated Patient Five between around August 15, 2017 and February 27, 2019. On around August 17, 2018, and April 15, 2019, Respondent saw Patient Five, then thirteen and fourteen years old, for a physical examination. Patient Five's mother alleges that Respondent did not use gloves during an examination of the patient's genitalia.

30. Patient Five appears to have been diagnosed with ADHD by another treatment provider prior to July 29, 2017. However, there is no reference in the medical records regarding the original diagnosis. There is no record of assessment tools being used for the ADHD diagnosis and no significant reference to the symptoms. The records of subsequent follow-up visits are deficient in regard to review of the patient's progress, the medication's side effects, vital sign data, and medication risks versus benefit consultations or advisements.

31. Respondent is guilty of unprofessional conduct and subject to disciplinary action under sections 2234 [unprofessional conduct] and/or 2234(c) [repeated negligent acts] of the Code, including but not limited to, the following:

A. Failure to follow a standard well-child check.

B. The care delivered to the patient on the visits since the stimulants were started for ADHD were not consistent with the standard of care for the diagnosis, treatment and follow-up of ADHD involving the use of psychostimulant medication.

SIXTH CAUSE FOR DISCIPLINE
(Unprofessional Conduct: Repeated Negligent Acts – Patient Six)

32. Respondent has subjected his license to disciplinary action under sections 2234 [unprofessional conduct], and 2234(c) [repeated negligent acts] of the Code for unprofessional conduct, in that his care and treatment of Patient Six included departures from the standard of care constituting repeated negligent acts. The circumstances are as follows:

33. Respondent treated Patient Six between around July 29, 2017 and April 29, 2019. Around August 29, 2017, Respondent refilled a prescription for methylphenidate ER 27 mg., #30, for Patient Six, then six years old. Respondent's records for this patient contain no prior

diagnosis of ADHD and there is no evidence in the chart of any assessment tools being used, and no significant reference is made to the symptoms. Additionally, there is no indication of response to treatment or medication side effects, or reference to risks versus benefit consultations or advisements.

34. Respondent is guilty of unprofessional conduct and subject to disciplinary action under sections 2234 [unprofessional conduct] and/or 2234(c) [repeated negligent acts] of the Code, including but not limited to, the following:

A. The care delivered to the patient on the visits since the stimulants were started for ADHD were not consistent with the standard of care for the diagnosis, treatment and follow-up of ADHD involving the use of psychostimulant medication.

SEVENTH CAUSE FOR DISCIPLINE
(Unprofessional Conduct: Gross Negligence/Repeated Negligent Acts/ Failure to Maintain Adequate and Accurate Records – Patient Eleven[5])

35. Respondent has subjected his license to disciplinary action under sections 2234 [unprofessional conduct], 2234(b) [gross negligence] and/or 2234(c) [repeated negligent acts] for unprofessional conduct, and 2266 [inadequate medical records] of the Code, in that his care and treatment of Patient Eleven included departures from the standard of care constituting gross negligence and repeated negligent acts, and failure to maintain adequate and accurate medical records. The circumstances are as follows:

36. Respondent treated Patient Eleven between October 26, 1999 and September 29, 2008, on approximately 18 occasions, while Patient Eleven was between the ages of 4 months and 8 years of age. Patient Eleven alleges that during one of these visits Respondent conducted an ungloved rectal examination of Patient Eleven without a chaperone present. The medical records for Patient Eleven do not indicate the need for such an examination, nor do they indicate any discussion with a parent or guardian regarding such an examination. There are no medical

[5] Patients 7, 8, 9 and 10 have been omitted from this Fourth Amended Accusation based on Statute of Limitations issues. Complainant preserves the right to introduce evidence regarding Respondent's care and treatment of Patients 7, 8, 9 and 10 for all legally permissible reasons, during the administrative hearing.

records indicating that any chaperone was present for Respondent's examinations and treatment of Patient Eleven.

37. Physical examination documentation is missing completely in several notes and only partial descriptions of examinations and treatments of Patient Eleven exist in other notes. Aside from Patient Eleven's temperature, vital signs are not documented in Respondent's notes during Patient Eleven's infant and toddler visits, including sick and well child visits. No rectal examination is ever documented, and no parent or guardian is ever documented as being present for any examination of Patient Eleven by Respondent.

38. Respondent is guilty of unprofessional conduct and subject to disciplinary action under sections 2234 [unprofessional conduct], and/or 2234(b) [gross negligence], and/or 2234(c) [repeated negligent acts], and 2266 [failure to maintain adequate records] of the Code, including but not limited to, the following:

A. Respondent performed a rectal examination of Patient Eleven without indication; failed to use gloves while performing the rectal examination on Patient Eleven; failed to have a chaperone present when performing the rectal examination of Patient Eleven, then a minor; and failed to maintain adequate and accurate medical records for Patient Eleven.

EIGHTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Gross Negligence/Repeated Negligent Acts/Sexual Misconduct – Patient Twelve)

39. Respondent has subjected his license to disciplinary action for unprofessional conduct under section 2234 subdivision (b) [gross negligence], and/or 2234(c) [repeated negligent acts], and/or section 726 [sexual misconduct] in that his care and treatment of Patient Twelve included departures from the standard of care constituting gross negligence and repeated negligent acts, and sexual misconduct. The circumstances are as follows:

40. Patient Twelve, a then 8-year old female, presented to Respondent on or about April 22, 2003, for an eight-year old well child examination. The records document a GU examination of a normal female with Tanner 1 puberty staging.[6]

[6] GU examination is the genitourinary, vaginal and rectal examination essential for the evaluation of the female patient.

41. Approximately one year later, Patient Twelve presented to Respondent on May 24, 2004, for a nine-year old well child examination. The records document a Tanner 2 GU examination "with estrogenized pubic hair and hymen."

42. According to Patient Twelve, during the course of her eight-year old well-child examination on April 22, 2003, she was disrobed but for a gown. Respondent then asked Patient Twelve to lie on her back and squat like a frog. Subsequently, Respondent used his hands and fingers to "swab" her vagina, starting below the vaginal opening to as high as her clitoris.

43. The mother, who was present in the room, had been told to stay behind a curtain, so she did not have line of sight of her child during the examination.

44. Respondent is guilty of unprofessional conduct and subject to disciplinary action under sections 2234(b) [gross negligence], and/or 2234(c) [repeated negligent acts], and/or 726 [sexual misconduct] of the Code, including but not limited to, the following:

A. There was no medical reason for Respondent to use his hand to conduct the vaginal examination of Patient Twelve.

B. Respondent conducted the examination of Patient Twelve without a chaperone who could visually witness the examination.

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 or suspending Physician's and Surgeon's Certificate Number G 79053, issued to Respondent Patrick Stephen Clyne, M.D.;

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

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

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

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

DATED: JAN 04 2023

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