

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

In the Matter of the Accusation  
Against:

Leonard Frederick Liss, M.D.

Physician's and Surgeon's  
Certificate No. G 74715

Case No.: 800-2021-079021

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 June 27, 2025.

IT IS SO ORDERED: May 28, 2025.

MEDICAL BOARD OF CALIFORNIA

*Michelle A. Bholat, MD*

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

ROB BONTA  
Attorney General of California  
STEVE DIEHL  
Supervising Deputy Attorney General  
RYAN J. YATES  
Deputy Attorney General  
State Bar No. 279257  
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*Attorneys for Complainant*

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

12	In the Matter of the Accusation Against:	Case No. 800-2021-079021
13	<b>LEONARD FREDERICK LISS, M.D.</b>	OAH No. 2024060400
14	<b>3046 S. Virmargo Court</b>	
	<b>Visalia, CA 93292-1796</b>	
15	<b>Physician's and Surgeon's Certificate</b>	<b>STIPULATED SETTLEMENT AND</b>
16	<b>No. G 74715</b>	<b>DISCIPLINARY ORDER</b>
		Respondent.

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

## PARTIES

24 1. Reji Varghese (Complainant) is the Executive Director of the Medical Board of  
25 California (Board). He brought this action solely in his official capacity and is represented in this  
26 matter by Rob Bonta, Attorney General of the State of California, by Ryan J. Yates, Deputy  
27 Attorney General.

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1       2. Respondent Leonard Frederick Liss, M.D. (Respondent) is represented in this  
2 proceeding by attorney Robert Keith Weinberg, Esq., whose address is:  
3       19200 Von Karman Avenue, Suite 380, Irvine, CA 92612-8508.

4       3. On or about July 21, 1992, the Board issued Physician's and Surgeon's Certificate  
5 No. G 74715 to Leonard Frederick Liss, M.D. (Respondent). The Physician's and Surgeon's  
6 Certificate was in full force and effect at all times relevant to the charges brought in  
7 Accusation No. 800-2021-079021, and will expire on May 31, 2026, unless renewed.

## JURISDICTION

9       4.     Accusation No. 800-2021-079021 was filed before the Board and is currently pending  
10      against Respondent. The Accusation and all other statutorily required documents were properly  
11      served on Respondent on May 2, 2024. Respondent timely filed his Notice of Defense contesting  
12      the Accusation.

13       5. A copy of Accusation No. 800-2021-079021 is attached as exhibit A and incorporated  
14 herein by reference.

## **ADVISEMENT AND WAIVERS**

16       6. Respondent has carefully read, fully discussed with counsel, and understands the  
17 charges and allegations in Accusation No. 800-2021-079021. Respondent has also carefully read,  
18 fully discussed with his counsel, and understands the effects of this Stipulated Settlement and  
19 Disciplinary Order.

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

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

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1       9. Respondent understands and agrees that the charges and allegations in Accusation  
2 No. 800-2021-079021, if proven at a hearing, constitute cause for imposing discipline upon his  
3 Physician's and Surgeon's Certificate.

4       10. Respondent agrees that, at a hearing, Complainant could establish a prima facie case  
5 or factual basis for the charges and allegations in Accusation No. 800-2021-079021, a true and  
6 correct copy of which is attached hereto as Exhibit A, and that Respondent hereby gives up his  
7 right to contest those charges. Respondent further agrees that if an Accusation is ever filed against  
8 him before the Board, all of the charges and allegations contained in Accusation  
9 No. 800-2021-079021, shall be deemed true, correct, and fully admitted by Respondent for  
10 purposes of any such proceeding or any other licensing proceeding involving Respondent in the  
11 State of California.

12        11. Respondent agrees that he has thereby subjected his Physician's and Surgeon's  
13        Certificate, No. G 74715, to disciplinary action and he agrees to be bound by the Board's  
14        imposition of discipline as set forth in the Disciplinary Order below.

## **CONTINGENCY**

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

26        13. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to  
27        be an integrated writing representing the complete, final, and exclusive embodiment of the  
28        agreement of the parties in this above-entitled matter.

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

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

## **DISCIPLINARY ORDER**

8 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 74715 issued  
9 to Respondent Leonard Frederick Liss, M.D., is revoked. However, the revocation is stayed and  
10 Respondent is placed on probation for three (3) years from the effective date of the Decision on  
11 the following terms and conditions:

12       1. EDUCATION COURSE. Within 60 calendar days of the effective date of this  
13 Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee  
14 for its prior approval educational program(s) or course(s) which shall not be less than 40 hours  
15 per year, for each year of probation. The educational program(s) or course(s) shall be aimed at  
16 correcting any areas of deficient practice or knowledge and shall be Category I certified. The  
17 educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to  
18 the Continuing Medical Education (CME) requirements for renewal of licensure. Following the  
19 completion of each course, the Board or its designee may administer an examination to test  
20 Respondent's knowledge of the course. Respondent shall provide proof of attendance for 65  
21 hours of CME of which 40 hours were in satisfaction of this condition.

22        2. PRESCRIBING PRACTICES COURSE. Within 60 calendar days of the effective  
23 date of this Decision, Respondent shall enroll in a course in prescribing practices approved in  
24 advance by the Board or its designee. Respondent shall provide the approved course provider  
25 with any information and documents that the approved course provider may deem pertinent.  
26 Respondent shall participate in and successfully complete the classroom component of the course  
27 not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully  
28 complete any other component of the course within one (1) year of enrollment. The prescribing

1 practices course shall be at Respondent's expense and shall be in addition to the Continuing  
2 Medical Education (CME) requirements for renewal of licensure.

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

8 Respondent shall submit a certification of successful completion to the Board or its  
9 designee not later than 15 calendar days after successfully completing the course, or not later than  
10 15 calendar days after the effective date of the Decision, whichever is later.

11 Respondent shall not order, prescribe, dispense, administer, furnish, or possess any  
12 controlled substances listed in Schedule II of the California Uniform Controlled Substances Act,  
13 until Respondent has successfully completed the program and has been so notified by the Board  
14 or its designee in writing.

15 3. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective  
16 date of this Decision, Respondent shall enroll in a course in medical record keeping approved in  
17 advance by the Board or its designee. Respondent shall provide the approved course provider  
18 with any information and documents that the approved course provider may deem pertinent.

19 Respondent shall participate in and successfully complete the classroom component of the course  
20 not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully  
21 complete any other component of the course within one (1) year of enrollment. The medical  
22 record keeping course shall be at Respondent's expense and shall be in addition to the Continuing  
23 Medical Education (CME) requirements for renewal of licensure.

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

1            Respondent shall submit a certification of successful completion to the Board or its  
2            designee not later than 15 calendar days after successfully completing the course, or not later than  
3            15 calendar days after the effective date of the Decision, whichever is later.

4            4. **MONITORING - PRACTICE.** Within 30 calendar days of the effective date of this  
5            Decision, Respondent shall submit to the Board or its designee for prior approval as a practice  
6            monitor, the name and qualifications of one or more licensed physicians and surgeons whose  
7            licenses are valid and in good standing, and who are preferably American Board of Medical  
8            Specialties (ABMS) certified. A monitor shall have no prior or current business or personal  
9            relationship with Respondent, or other relationship that could reasonably be expected to  
10           compromise the ability of the monitor to render fair and unbiased reports to the Board, including  
11           but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree  
12           to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

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

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

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

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

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

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

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

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

1       6. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE  
2 NURSES. During probation, Respondent is prohibited from supervising physician assistants and  
3 advanced practice nurses.

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

7       8. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby  
8 ordered to reimburse the Board its costs of investigation and enforcement, including, but not  
9 limited to, expert review, amended accusations, legal reviews, investigation(s), and subpoena  
10 enforcement, as applicable, in the amount of \$22,362.80 (twenty-two thousand three hundred and  
11 sixty-two dollars and eighty cents). Costs shall be payable to the Medical Board of California.  
12 Failure to pay such costs shall be considered a violation of probation.

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

17       The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to  
18 repay investigation and enforcement costs, including expert review costs.

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

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

24       10. GENERAL PROBATION REQUIREMENTS.

25       Compliance with Probation Unit

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

27       Address Changes

28       Respondent shall, at all times, keep the Board informed of Respondent's business and

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

5 Place of Practice

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

9 License Renewal

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

12 Travel or Residence Outside California

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

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

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

22 12. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
23 its designee in writing within 15 calendar days of any periods of non-practice lasting more than  
24 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is  
25 defined as any period of time Respondent is not practicing medicine as defined in Business and  
26 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct  
27 patient care, clinical activity or teaching, or other activity as approved by the Board. If  
28 Respondent resides in California and is considered to be in non-practice, Respondent shall

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

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

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

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

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

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

26 14. **VIOLATION OF PROBATION.** Failure to fully comply with any term or condition  
27 of probation is a violation of probation. If Respondent violates probation in any respect, the  
28 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and

1 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,  
2 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have  
3 continuing jurisdiction until the matter is final, and the period of probation shall be extended until  
4 the matter is final.

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

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

20       17. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for  
21 a new license or certification, or petition for reinstatement of a license, by any other health care  
22 licensing action agency in the State of California, all of the charges and allegations contained in  
23 Accusation No. 800-2021-079021 shall be deemed to be true, correct, and admitted by  
24 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or  
25 restrict license.

26       ///

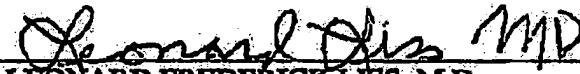
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**ACCEPTANCE**

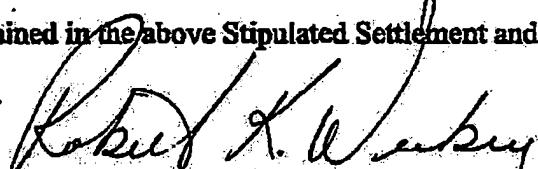
I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Robert Keith Weinberg, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary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

DATED: 1/29/25

  
LEONARD FREDERICK LISS, M.D.  
Respondent

I have read and fully discussed with Respondent Leonard Frederick Liss, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 1/29/25

  
ROBERT KEITH WEINBERG, ESQ.  
Attorney for Respondent

**ENDORSEMENT**

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

DATED: 4/7/25

Respectfully submitted,

ROB BONTA  
Attorney General of California  
STEVE DIEHL  
Supervising Deputy Attorney General

  
RYAN J. YATES  
Deputy Attorney General  
Attorneys for Complainant

**Exhibit A**

**Accusation No. 800-2021-079021**

1 ROB BONTA  
2 Attorney General of California  
3 STEVE DIEHL  
4 Supervising Deputy Attorney General  
5 MARIANNE A. PANSA  
6 Deputy Attorney General  
7 State Bar No. 270928  
8 California Department of Justice  
9 2550 Mariposa Mall, Room 5090  
Fresno, CA 93721  
Telephone: (559) 705-2329  
Facsimile: (559) 445-5106  
Attorneys for Complainant

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

In the Matter of the Accusation Against:

Case No. 800-2021-079021

Leonard Frederick Liss, M.D.  
3046 S. Virmago Ct.  
Visalia, CA 93292-1796

ACCUSATION

Physician's and Surgeon's Certificate  
No. G 74715,

Respondent.

PARTIES

1. Reji Varghese (Complainant) brings this 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 July 21, 1992, the Medical Board issued Physician's and Surgeon's Certificate Number G 74715 to Leonard Frederick Liss, 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 May 31, 2026, unless renewed.

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## **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 (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.

## **STATUTORY PROVISIONS**

5. Section 2234 of the Code, states, in pertinent part:

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.

6. Section 2242 of the Code states:

(a) Prescribing, dispensing, or furnishing dangerous drugs as defined in Section 4022 without an appropriate prior examination and a medical indication, constitutes unprofessional conduct. An appropriate prior examination does not require a synchronous interaction between the patient and the licensee and can be achieved through the use of telehealth, including, but not limited to, a self-screening tool or a questionnaire, provided that the licensee complies with the appropriate standard of care.

(b) No licensee shall be found to have committed unprofessional conduct within the meaning of this section if, at the time the drugs were prescribed, dispensed, or furnished, any of the following applies:

(1) The licensee was a designated physician and surgeon or podiatrist serving in the absence of the patient's physician and surgeon or podiatrist, as the case may be, and if the drugs were prescribed, dispensed, or furnished only as necessary to maintain the patient until the return of the patient's practitioner, but in any case no longer than 72 hours.

(2) The licensee transmitted the order for the drugs to a registered nurse or to a licensed vocational nurse in an inpatient facility, and if both of the following conditions exist:

(A) The practitioner had consulted with the registered nurse or licensed vocational nurse who had reviewed the patient's records.

(B) The practitioner was designated as the practitioner to serve in the absence of the patient's physician and surgeon or podiatrist, as the case may be.

(3) The licensee was a designated practitioner serving in the absence of the patient's physician and surgeon or podiatrist, as the case may be, and was in possession of or had utilized the patient's records and ordered the renewal of a medically indicated prescription for an amount not exceeding the original prescription in strength or amount or for more than one refill.

(4) The licensee was acting in accordance with Section 120582 of the Health and Safety Code.

7. Section 4021 of the Code states: "Controlled Substance" means any substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

1       8. Section 4022 of the Code states:

2       “Dangerous drug” or “dangerous device” means any drug or device unsafe for  
3       self use, except veterinary drugs that are labeled as such, and includes the following:

4       (a) Any drug that bears the legend: “Caution: federal law prohibits dispensing  
5       without prescription,” “Rx only,” or words of similar import.

6       (b) Any device that bears the statement: “Caution: federal law restricts this device  
7       to sale by or on the order of a \_\_\_\_\_,” “Rx only,” or words of similar import, that  
8       blank to be filled in with the designation of the practitioner licensed to use or order use  
9       of the device.

10      (c) Any other drug or device that by federal or state law can be lawfully  
11      dispensed only on prescription or furnished pursuant to Section 4006.

12      9. Section 2290.5 of the Code states, in pertinent part:

13       (a) For purposes of this division, the following definitions shall apply:

14       (1) “Asynchronous store and forward” means the transmission of a patient’s  
15       medical information from an originating site to the health care provider at a distant  
16       site.

17       (2) “Distant site” means a site where a health care provider who provides health  
18       care services is located while providing these services via a telecommunications  
19       system.

20       (3) “Health care provider” means either of the following:

21       (A) A person who is licensed under this division.

22       (B) An associate marriage and family therapist intern or trainee functioning  
23       pursuant to Section 4980.43.3.

24       (C) A qualified autism service provider or qualified autism service professional  
25       certified by a national entity pursuant to Section 1374.73 of the Health and Safety  
26       Code and Section 10144.51 of the Insurance Code.

27       (D) An associate clinical social worker functioning pursuant to Section  
28       4996.23.2.

29       (E) An associate professional clinical counselor or clinical counselor trainee  
30       functioning pursuant to Section 4999.46.3.

31       (4) “Originating site” means a site where a patient is located at the time health  
32       care services are provided via a telecommunications system or where the  
33       asynchronous store and forward service originates.

34       (5) “Synchronous interaction” means a real-time interaction between a patient  
35       and a health care provider located at a distant site.

(6) "Telehealth" means the mode of delivering health care services and public health via information and communication technologies to facilitate the diagnosis, consultation, treatment, education, care management, and self-management of a patient's health care. Telehealth facilitates patient self-management and caregiver support for patients and includes synchronous interactions and asynchronous store and forward transfers.

(b) Before the delivery of health care via telehealth, the health care provider initiating the use of telehealth shall inform the patient about the use of telehealth and obtain verbal or written consent from the patient for the use of telehealth as an acceptable mode of delivering health care services and public health. The consent shall be documented.

(c) This section does not preclude a patient from receiving in-person health care delivery services during a specified course of health care and treatment after agreeing to receive services via telehealth.

(d) The failure of a health care provider to comply with this section shall constitute unprofessional conduct. Section 2314 shall not apply to this section.

(e) This section shall not be construed to alter the scope of practice of any health care provider or authorize the delivery of health care services in a setting, or in a manner, not otherwise authorized by law.

(f) All laws regarding the confidentiality of health care information and a patient's rights to the patient's medical information shall apply to telehealth interactions.

(g) All laws and regulations governing professional responsibility, unprofessional conduct, and standards of practice that apply to a health care provider under the health care provider's license shall apply to that health care provider while providing telehealth services.

(3) For the purposes of this subdivision, "telehealth" shall include "telemedicine" as the term is referenced in Sections 482.12, 482.22, and 485.616 of Title 42 of the Code of Federal Regulations.

## **COST RECOVERY**

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

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## **FACTUAL ALLEGATIONS**

## Patient A<sup>1</sup>

3 11. Respondent began treating Patient A, then a 26-year-old male, on July 25, 2019, and  
4 documented a diagnosis of chronic pain syndrome and osteoarthritis of the shoulder.

5           12. Respondent's electronic SOAP notes<sup>2</sup> for this visit and following encounters do not  
6 provide any objective information or assessment details supporting Respondent's diagnoses for  
7 Patient A, nor do his notes include a physical examination of Patient A's shoulder.

8       13. Between approximately July 25, 2019 and December 28, 2021, Respondent provided  
9 regular treatment to Patient A that included monthly prescriptions of 120 tablets of 5-325 mg  
10 hydrocodone-acetaminophen (Norco)<sup>3</sup> and occasional prescriptions of ibuprofen and 350 mg of  
11 carisoprodol.<sup>4</sup>

12 14. Although Patient A had not been prescribed opiates for long-term use prior to establishing  
13 care with Respondent, Respondent's notes for his first visit and for all subsequent encounters with  
14 Patient A fail to document objective information or assessment details supporting the long-term  
15 prescription of controlled substances to Patient A, informed consent concerning

16 | 110

17 The patients herein are identified by letter in order to maintain patient confidentiality.

18      <sup>2</sup> A SOAP note is a method of documentation employed by healthcare providers to write out notes  
19      in a patient's chart. The headings of a SOAP note include Subjective, Objective, Assessment, and  
Plan.

<sup>3</sup> Acetaminophen and hydrocodone bitartrate (Vicodin® and Norco®) is a combination of two medicines used to treat moderate to severe pain. Hydrocodone is an opioid pain medication, commonly referred to as a narcotic. Acetaminophen is a less potent pain reliever that increases the effects of hydrocodone. Hydrocodone has a high potential for abuse. Hydrocodone is a Schedule II controlled substance and narcotic as defined by section 11055, subdivision (b)(1) of the Health and Safety Code, and a Schedule II controlled substance as defined by Section 1308.12 (b)(1) of Title 21 of the code of Federal Regulations and a dangerous drug as defined in Business and Professions Code section 4022.

<sup>4</sup> Carisoprodol, also known as Soma®, is a muscle relaxant with a known potentiating effect on narcotics. It works by blocking pain sensations between the nerves and the brain. It is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to Business and Professions Code section 4022. When properly prescribed and indicated, it is used for the treatment of acute and painful musculoskeletal conditions.

1 long-term opiate use, a controlled substances agreement,<sup>5</sup> and documentation of diagnostics or  
2 other monitoring to ensure Patient A was compliant with his prescription use, including but not  
3 limited to, documentation that CURES<sup>6</sup> reports were reviewed.

4 15. At some point in 2020, Respondent converted his appointments with Patient A to be  
5 conducted via telehealth; however, his notes for encounters after on or about March 2020 and  
6 through 2021 continued to document each encounter as an "office visit." Respondent never  
7 obtained or documented informed consent from Patient A concerning the telehealth appointment  
8 method. All progress notes from the telehealth visits had minimal notation of subjective reports  
9 from Patient A, no objective notes, assessments or plans, and failed to add any new information  
10 regarding the source of Patient A's pain, alternative treatment options, or evaluations.

11 **Patient B**

12 16. Respondent began treating Patient B, a 50-year-old male, on or about November 30,  
13 2017, and documented a diagnosis of hypertension, chronic pain syndrome, and osteoarthritis of  
14 the shoulder, with occasional insomnia.

15 17. Prior to establishing treatment with Respondent, Patient B had been prescribed  
16 approximately 60 tablets of 10-325 mg hydrocodone-acetaminophen a month by another  
17 provider. CURES reports reveal that Respondent increased that prescription to 90 tablets a month  
18 on or about November 30, 2017, and again to 120 tablets a month from on or about September 7,  
19 2018, at least until on or about July 23, 2021. Respondent was also prescribing Patient B 30  
20 tablets of 350 mg of carisoprodol monthly beginning on or about November 2, 2018 through on  
21 or about August 3, 2021, as well as prescriptions of various doses of amlodipine/amlodipine

22 <sup>5</sup>Controlled substances agreement is also known as a pain management contract or pain  
23 management agreement. A pain management agreement is recommended for patients on short-  
24 acting opioids at the time of the third visit; on long acting opioids; or expected to require more  
than three months of opioids. A pain management agreement outlines the responsibilities of the  
physician and patient during the time that controlled substances are prescribed.

25 <sup>6</sup> Controlled Substance Utilization Review and Evaluation System 2.0 (CURES) is a database of  
26 Schedule II, III, IV, and V controlled substance prescriptions dispensed in California serving the  
27 public health, regulatory and oversight agencies and law enforcement. CURES 2.0 is committed  
to the reduction of prescription drug abuse and diversion without affecting legitimate medical  
practice or patient care.

1 besylate,<sup>7</sup> Lisinopril,<sup>8</sup> hydrochlorothiazide,<sup>9</sup> Lisinopril hydrochlorothiazide and  
2 cyclobenzaprine.<sup>10</sup>

3 18. Although Respondent was treating and prescribing medication to Patient B as early as  
4 on or about November 30, 2017, Respondent's electronic SOAP notes for encounters do not  
5 begin until on or about March 22, 2018, and the notes do not provide any objective information or  
6 assessment details supporting Respondent's diagnoses for Patient B.<sup>11</sup>

7 19. On or about March 22, 2018, Patient B's blood pressure was noted to be very  
8 elevated at 157/107.<sup>12</sup> Patient B's progress note indicated "[h]ypertension" as a diagnosis, but  
9 Respondent did not qualify it as a hypertensive urgency, or benign hypertension, nor did  
10 Respondent mention EKG or labs to evaluate for possible organ injury from this significantly  
11 elevated blood pressure. There is no documentation of what medications Patient B had already  
12 been on for his hypertension and Respondent only prescribed Lisinopril at a low dose.  
13 Additionally, this note did not mention if the patient was having chest pain, headache, nausea, or  
14 vision changes, which are signs of medical emergency in hypertensive patients.

15 20. On or about April 19, 2018, Patient B's blood pressure was still high at 155/108, and  
16 Respondent again failed to mention if this was hypertensive urgency, benign, or other. There is

17  
18 <sup>7</sup> Amlodipine and amlodipine besylate are medications used to treat high blood pressure.

19 <sup>8</sup> Lisinopril is a medication to treat high blood pressure that is used to tighten blood vessels so  
that blood flows through them more smoothly.

20 <sup>9</sup> Hydrochlorothiazide is a diuretic to treat high blood pressure.

21 <sup>10</sup> Cyclobenzaprine is a muscle relaxant. It works by blocking nerve impulses (or pain sensations)  
that are sent to the brain.

22 <sup>11</sup> Respondent's treatment notes are unavailable prior to March 22, 2018, however, CURES and  
other pharmacy records reveal that Respondent began prescribing controlled substances to Patient  
B on or around November 30, 2017.

23 <sup>12</sup> Blood pressure is determined by measuring the systolic (the top number) and the diastolic (the  
bottom number). The systolic number measures the force the heart exerts on the walls of the  
arteries each time it beats. The diastolic number measures the force the heart exerts on the walls  
of the arteries in between beats. Blood pressure is measured in mm Hg, which is millimeters of  
mercury. A normal blood pressure reading of below 120 and below 80 is normal blood pressure.  
A reading of 120-129 and below 80 is elevated blood pressure. A reading of 130-139 or 80-89 is  
stage 1 high pressure. A reading of 140 or higher or 90 or higher is stage 2 blood pressure.

1 no mention, again, of an EKG or labs to assess for potential organ injury. Patient B's medication  
2 was changed to Lisinopril-HCTZ,<sup>13</sup> which included a diuretic, but labs were not drawn to make  
3 sure that Patient B's kidneys and electrolytes could handle this new medication.

4 21. Patient B was seen monthly until on or about January 11, 2022. Each subsequent  
5 monthly visit in May, June, July and August 2018, demonstrated elevated blood pressures in the  
6 150/100 range.<sup>14</sup> Medications were adjusted, but work-up to assess for potential injury from the  
7 hypertension was not done. Respondent failed to conduct or document any labs, EKGs, or other  
8 tests to evaluate for possible organ injury resulting from Patient B's significantly elevated blood  
9 pressure, or to ensure Patient B's organs and systems were properly functioning and could handle  
10 the medications Respondent prescribed to Patient B, at any point during his treatment.

11 22. On or about November 1, 2018, Respondent noted that Patient B was planning to  
12 undergo shoulder surgery. Patient B's blood pressure on this date was noted as 155/104.  
13 Respondent's notes for this appointment do not document any discussion with Patient B about the  
14 risks and complications of undergoing surgery with a significantly elevated blood pressure.  
15 Furthermore, when Respondent was interviewed as part of the investigation, he did not convey  
16 that he understood his role in optimizing a patient for surgery and the potential ramifications of  
17 allowing a patient's blood pressure to remain that high in preparation for surgery.

18 23. Despite diagnosing Patient B with high blood pressure, and continuing to prescribe  
19 medications to treat Patient B's high blood pressure throughout his care, Respondent failed to  
20 document any vitals were taken, including Patient B's blood pressure, on or about March 20 and  
21 April 4, 2019, and every subsequent visit beginning on or about April 17, 2020 until on or about  
22 January 11, 2022, while he was conducting telehealth visits.

23 24. Between on or about March 22, 2018 and January 11, 2022, Patient B's records  
24 consistently identify "left shoulder pain" or "chronic pain syndrome" as the diagnosis for  
25 prescribing hydrocodone-acetaminophen. None of these notes indicate that a musculoskeletal

26 <sup>13</sup> Lisinopril-HCTZ is Lisinopril and hydrochlorothiazide combined and is a medication to treat  
27 high blood pressure.

28 <sup>14</sup> Patient B's blood pressure remained consistently significantly elevated from on or about  
March 22, 2018 through on or about February 21, 2020, during the time that vitals were taken.

1 exam or further work up had been done to evaluate the need for opiates. There is also no  
2 documentation that alternative treatments (such as physical therapy, non-opiate medications, or  
3 referrals) were discussed. Patient B's records do not contain objective information or assessment  
4 details that would support the long-term prescription of controlled substances, informed consent  
5 concerning long-term opiate use, a controlled substances agreement, and documentation of  
6 diagnostics or other monitoring to ensure Patient B was compliant with his prescription use,  
7 including but not limited to, documentation that CURES reports were reviewed.

8 25. At some point in 2020, Respondent converted his appointments with Patient B to be  
9 conducted via telehealth; however, his notes for encounters beginning on or about March 2020, in  
10 2021, and in 2022, continued to document each encounter as an "office visit." Respondent never  
11 obtained or documented informed consent from Patient B concerning the telehealth appointment  
12 method, particularly in light of Patient B's persistent hypertension. All progress notes from the  
13 telehealth visits had minimal notation of subjective reports from Patient B, no objective notes,  
14 assessments or plans, and failed to add any new information regarding the source of Patient B's  
15 pain, alternative treatment options, or evaluations.

16 **Patient C**

17 26. Respondent began treating Patient C, then a 33-year-old male, on or about May 29,  
18 2018, whom he diagnosed with chronic pain syndrome, osteoarthritis, pain in left leg, and a  
19 partial traumatic amputation of the left lower leg. The progress note only mentions a complaint  
20 of "leg pain, prosthetic leg," and fails to mention any significant details such as the cause of the  
21 prosthetic leg, length of time since the injury, the source of pain (neuropathic, phantom limb,  
22 open wound), and previously tried medications, such as Gabapentin,<sup>15</sup> which is often successfully  
23 used for pain following amputation.

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27 15 Gabapentin is used to treat nerve pain, but it primarily prevents and controls seizures.  
28

1       27. Patient C had been receiving regular monthly prescriptions of 150 10-325 mg tablets  
2 of hydrocodone-acetaminophen and occasional prescriptions for Hysingla ER<sup>16</sup> from a prior  
3 provider for several years before establishing care with Respondent. The progress report for  
4 Respondent's first encounter with Patient C on or about May 29, 2018, reflects Patient C received  
5 a prescription for hydrocodone-acetaminophen from Respondent. The progress note does not  
6 mention a discussion of the risks, benefits, or alternatives to the use of hydrocodone-  
7 acetaminophen, or mention that Patient C's CURES report had been reviewed. Patient C's blood  
8 pressure was elevated at 122/92 at this appointment. Patient C was not diagnosed with  
9 hypertension, nor was his blood pressure addressed at this appointment.

10       28. Respondent's electronic SOAP notes for this and following encounters do not provide  
11 any objective information or assessment details supporting Respondent's diagnoses for Patient C.

12       29. Between on or about May 29, 2018 through June 6, 2021, Respondent provided  
13 regular treatment to Patient C that included monthly (or more frequent) prescriptions of 120  
14 tablets of 10-325 mg hydrocodone-acetaminophen. Respondent reduced that monthly  
15 prescription to approximately 112 tablets of 10-325 mg hydrocodone-acetaminophen between on  
16 or about July 7, 2021 until on or about August 16, 2021.

17       30. Respondent's notes for his first visit and for all subsequent visits with Patient C fail to  
18 document objective information or assessment details supporting the long-term prescription of  
19 controlled substances to Patient C, informed consent concerning long-term opiate use, a  
20 controlled substances agreement, and documentation of diagnostics or other monitoring to ensure  
21 Patient C was compliant with his prescription use, including, but not limited to, documentation  
22 that CURES reports were reviewed.

23       ///

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25       <sup>16</sup> Hysingla ER is the brand name for hydrocodone and is an opioid pain medication used for  
26 around-the-clock treatment of severe pain. Hysingla ER is a Schedule II controlled substance and  
27 narcotic as defined by section 11055, subdivision (b)(1) of the Health and Safety Code, and a  
28 Schedule II controlled substance as defined by Section 1308.12 (b)(1) of Title 21 of the code of  
Federal Regulations and a dangerous drug as defined in Business and Professions Code section  
4022.

1       31. On or about August 31, 2019, Respondent prescribed an extra 28 tablets of  
2 hydrocodone-acetaminophen to Patient C. Respondent was unable to recall why he had done so,  
3 nor did any progress note indicate that this error had occurred.

4       32. The monthly progress notes from on or about May 29, 2018 until on or about March  
5 5, 2020 for Patient C are nearly identical, with the exception of the date and vital signs. These  
6 notes lack information of alternative treatments tried, the effect the pain had on Patient C's  
7 quality or function of life, and a failure to discuss alternate treatments such as non-opiate  
8 therapies or pain specialist referrals.

9       33. On or about June 6, 2019, Patient C's blood pressure was 142/100, and Respondent  
10 did not diagnose or address the hypertension. Despite recording consistently elevated high blood  
11 pressure in Patient C from approximately May 29, 2018, through March 5, 2020, Respondent did  
12 not diagnose, document, or treat Patient C for hypertension at any time, including a referral for a  
13 lab workup or EKG, or signs and symptoms of potential complications.

14       34. At some point on or around April 24 2020, Respondent converted his appointments  
15 with Patient C to be conducted via telehealth; however, his notes for encounters in or around  
16 April 24, 2020 until on or about July 8, 2021, continued to document each encounter as an "office  
17 visit." Respondent never obtained or documented informed consent from Patient C concerning  
18 the telehealth appointment method. All progress notes from the telehealth visits had minimal  
19 notation of subjective reports from Patient C, no objective notes, assessments, or plans, and failed  
20 to add any new information regarding the source of Patient C's pain, alternative treatment  
21 options, or evaluations.

22       35. Respondent's monthly progress reports for Patient C from on or about April 24, 2020  
23 until on or about July 8, 2021 are nearly identical, again, with an absence of a notation of the  
24 effect pain had on Patient C's life. Despite having recorded consistently elevated high blood  
25 pressure in Patient C, Respondent did not document any vitals, diagnostics, or other monitoring of  
26 Patient C's blood pressure following the March 5, 2020 appointment.

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### Patient D

2       36. Respondent treated Patient D, a 27-year-old male, from on or about April 18, 2019  
3 through on or about April 14, 2022, for leg pain resulting from a deforming gunshot wound.  
4 During his treatment, Respondent diagnosed Patient D with chronic pain syndrome, post-surgical  
5 pain, osteoarthritis, and anxiety. On Patient D's first visit, Respondent prescribed 45 tablets of  
6 10-325 mg of hydrocodone bitartrate-acetaminophen, and increased the dosage to 120 tablets on  
7 or about May 2019.

8       37. The April and May 2019 treatment notes lack any further details as to the kind or  
9 source of the pain, and they do not list what medications or treatments had been tried and failed,  
10 including non-opiate therapies such as Gabapentin, physical therapy or pain management. They  
11 also do not list how the pain affected Patient D's quality of life or daily function. There is no  
12 indication that Respondent reviewed Patient D's CURES report.

13 38. Respondent's electronic SOAP notes for this visit and following encounters do not  
14 provide any objective information or assessment details supporting Respondent's diagnoses for  
15 Patient D.

16 39. Respondent saw Patient D monthly from on or about July 2019 until on or about July  
17 22, 2021,<sup>17</sup> and provided monthly opiate prescriptions for 120 10-325 mg tablets of hydrocodone  
18 bitartrate-acetaminophen. Each of the corresponding progress notes did not have a change in the  
19 exam.

20 40. On or about January 30, 2020 and continuing through on or about April 14, 2022,  
21 Respondent prescribed Xanax (alprazolam),<sup>18</sup> a benzodiazepine, for Patient D's anxiety, despite

22 <sup>17</sup> Treatment notes indicate that Respondent continued to prescribe hydrocodone bitartrate-  
23 acetaminophen through on or about April 14, 2022; however, those later prescriptions are not  
24 reflected on Patient D's CURES report. Treatment notes dated on or about June 27, 2019, and  
June 2019 CURES reports, also indicate that Respondent prescribed 95 10-325 mg tablets of  
hydrocodone bitartrate-acetaminophen to Patient D.

<sup>25</sup> <sup>18</sup> Xanax® (alprazolam), a benzodiazepine, is a centrally acting hypnotic-sedative that is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to Business and Professions Code section 4022. When properly prescribed as indicated, it is used for the management of anxiety disorders, or of the short-term relief of anxiety. All benzodiazepines are Schedule IV controlled substances and have the potential for abuse, addiction, and diversion.

1 its contraindication in use in patients taking long-term opiates. This January 30, 2020 note, as  
2 well as subsequent notes, do not indicate any discussion regarding the risks of opiate and  
3 benzodiazepine concomitant use. Similarly, the corresponding notes fail to mention any  
4 discussion of non-benzodiazepine treatment options for anxiety.

5 41. Respondent's notes for his first visit and for all subsequent visits with Patient D fail  
6 to document objective information or assessment details supporting the long-term prescription of  
7 controlled substances to Patient D, informed consent concerning long-term opiate use, a  
8 controlled substances agreement, and documentation of diagnostics or other monitoring to ensure  
9 Patient D was compliant with his prescription use, including, but not limited to, documentation  
10 that CURES reports were reviewed.

11 42. On or about May 1, 2020, Respondent converted his appointments with Patient D to  
12 be conducted via telehealth; however, his notes for encounters beginning on or about May 1,  
13 2020, 2021, and 2022 continued to document each encounter as an "office visit." Respondent  
14 never obtained or documented informed consent from Patient D concerning the telehealth  
15 appointment method. Progress notes from the telehealth visits from on or about May 1, 2020 to  
16 April 2022, had minimal notation of subjective reports from Patient D, no objective notes,  
17 assessments or plans, and failed to add any new information regarding the source of Patient D's  
18 pain, alternative treatment options, or evaluations.

19 **Patient E**

20 43. Respondent diagnosed and treated Patient E, a then 24-year-old male, from on or  
21 about February 21, 2017, for complaints of pain resulting from a "rib fracture."<sup>19</sup>

22 44. Respondent's electronic SOAP notes for this encounter do not provide any objective  
23 information or assessment details supporting Respondent's diagnosis for Patient E's rib fracture,  
24 such as a physical examination or review of X-rays. Respondent nonetheless prescribed 70 10-  
25 350 mg tablets of hydrocodone bitartrate-acetaminophen to Patient E at this February visit.

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27  
28 <sup>19</sup> References to assessments completed and medications prescribed seven years prior to  
the filing of this Accusation are for information purposes only.

1       45. Respondent did not see Patient E again until on or about October 10, 2019, at which  
2 time he diagnosed him with "back pain disorder." Respondent prescribed 50 10-350 mg tablets  
3 of hydrocodone bitartrate-acetaminophen at that visit, and increased this dose to 60 tablets on or  
4 about January 7, 2020.

5       46. On or about February 7, 2020, Respondent began treating Patient E for complaints of  
6 scoliosis. At that time, Respondent diagnosed Patient E with scoliosis, chronic pain syndrome,  
7 and back pain disorder. Beginning on or about February 13, 2020, Respondent prescribed 90 10-  
8 350 mg of hydrocodone bitartrate-acetaminophen tablets monthly to Patient E until on or about  
9 August 9, 2021.

10       47. Respondent's electronic SOAP notes for this encounter and following encounters do  
11 not provide any objective information, physical examination, or assessment details supporting  
12 Respondent's diagnoses for Patient E related to his complaints of scoliosis. There is a lack of  
13 documentation as to the degree of pain and how it interfered with Patient E's quality and  
14 functionality of life, and a lack of documentation discussing evaluation options including imaging  
15 assessments to appropriately diagnose Patient E's condition. As scoliosis is generally not painful,  
16 the lack of documentation of the severity of scoliosis and the lack of confirmation that another  
17 medical condition was causing pain creates questions as to the reasoning for opiate use in this  
18 patient.

19       48. Respondent's notes for his first visit and for all subsequent visits with Patient E fail to  
20 document objective information or assessment details supporting the long-term prescription of  
21 controlled substances to Patient E, informed consent concerning long-term opiate use, a  
22 controlled substances agreement, and documentation of diagnostics or other monitoring to ensure  
23 Patient E was compliant with his prescription use, including, but not limited to, documentation  
24 that CURES reports were reviewed.

25       49. On or about April 2, 2020, Respondent converted his appointments with Patient E to  
26 be conducted via telehealth; however, his notes for encounters after on or about April 2, 2020 and  
27 2021 continued to document each encounter as an "office visit." Respondent never obtained or  
28 documented informed consent from Patient E concerning the telehealth appointment method.

1 Progress notes from the telehealth visits had minimal notation of subjective reports from Patient  
2 E, no objective notes, assessments or plans, and failed to add any new information regarding the  
3 source of Patient E's pain, alternative treatment options, or evaluations.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Prescribing Without Prior Examination)**

6 50. Respondent Leonard Frederick Liss, M.D. is subject to disciplinary action under  
7 section 2242 of the Code, in that he prescribed dangerous drugs as defined in section 4022 to  
8 Patients A, B, C, D, and E, without an appropriate prior examination. The circumstances giving  
9 rise to this cause for discipline are set forth in paragraphs 11 through 49 above, which are  
10 incorporated here by reference as if fully set forth. Additional circumstances are as follows:

11 51. Respondent failed to conduct an appropriate examination prior to prescribing  
12 hydrocodone-acetaminophen, a dangerous drug defined in Code section 4022, to Patient A.

13 52. Respondent failed to conduct an appropriate examination prior to prescribing  
14 hydrocodone-acetaminophen, a dangerous drug defined in Code section 4022, to Patient B.

15 53. Respondent failed to conduct an appropriate examination prior to prescribing  
16 hydrocodone-acetaminophen, a dangerous drug defined in Code section 4022, to Patient C.

17 54. Respondent failed to conduct an appropriate examination prior to prescribing  
18 hydrocodone-bitartrate-acetaminophen and Xanax, which are both dangerous drugs defined in  
19 section 4022, to Patient D.

20 55. Respondent failed to conduct an appropriate examination prior to prescribing  
21 hydrocodone-bitartrate-acetaminophen, a dangerous drug defined in Code section 4022, to Patient  
22 E.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Repeated Negligent Acts)**

25 56. Respondent Leonard Frederick Liss, M.D. is subject to disciplinary action under  
26 section 2234, subdivision (c), of the Code, in that he committed repeated acts of negligence as to  
27 Patients A, B, C, D, and E. The circumstances giving rise to this cause for discipline are set forth  
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1 in paragraphs 11 through 55 above, which are incorporated here by reference as if fully set forth.  
2 Additional circumstances are as follows:

3 Standard of Care Related to Patient Evaluation for Appropriate Use of Narcotics and Risk  
4 Stratification Related to Opioid Treatment

5 57. The standard of care requires that each patient being fully assessed with a medical  
6 history and focused physical exam to include evaluation of the patient's pain, prior successful and  
7 failing treatments, assessments of risks of treatment options, including but not limited to co-  
8 existing conditions or risk of addiction. The standard of care also includes reviewing the  
9 indications for the use of opiates as opposed to non-opiate treatment options for pain control.

10 58. Respondent failed to perform a focused physical examination (namely a  
11 musculoskeletal or shoulder exam) of Patient A to determine the causes for pain prior to  
12 prescribing opiates. He failed to document a definitive diagnosis for the pain, or any objective  
13 findings to confirm any diagnosis. Respondent did not describe how Patient A's pain limited his  
14 functionality, and therefore Respondent did not describe symptoms that warranted long-term  
15 opiate therapy. Respondent also failed to evaluate and document the need for opiates and what  
16 non-opiate alternative treatments had been attempted prior to prescribing opiates to Patient A, all  
17 of which constitutes one simple departure from the standard of care.

18 59. Respondent failed to perform a focused physical examination (namely a  
19 musculoskeletal exam) of Patient B to determine the causes for pain prior to prescribing opiates.  
20 He failed to document a definitive diagnosis for the pain, or any objective findings to confirm that  
21 diagnosis. Respondent did not describe how Patient B's pain limited his functionality, and  
22 therefore Respondent did not describe symptoms that warranted long-term opiate therapy.  
23 Respondent also failed to evaluate and document the need for opiates and document what non-  
24 opiate alternative treatments had been attempted and failed including, but not limited to, Tylenol,  
25 Motrin, physical therapy, or shoulder injections, prior to prescribing opiates to Patient B, all of  
26 which constitutes one simple departure from the standard of care.

27 60. Respondent failed to perform a focused physical examination (namely a  
28 musculoskeletal exam, level of amputation, or evaluation of the stump) of Patient C to determine

1 the causes for pain prior to prescribing opiates. He failed to document a definitive diagnosis for  
2 the pain, or any objective findings to confirm that diagnosis. Respondent did not describe how  
3 Patient C's pain limited his functionality, and therefore Respondent did not describe symptoms  
4 that warranted long-term opiate therapy. Respondent also failed to evaluate and document the  
5 need for opiates and document what non-opiate alternative treatments had been attempted and  
6 failed including, but not limited to, Tylenol, Motrin, physical therapy, or a pain management  
7 referral, prior to prescribing opiates to Patient C, all of which constitutes one simple departure  
8 from the standard of care.

9 61. Respondent failed to perform a focused physical examination (namely a  
10 musculoskeletal exam, examination of the leg wound, or neurological evaluation) of Patient D to  
11 determine the causes for pain prior to prescribing opiates. He failed to document a definitive  
12 diagnosis for the pain, or any objective findings to confirm that diagnosis. Respondent did not  
13 describe how Patient D's pain limited his functionality, and therefore Respondent did not describe  
14 symptoms that warranted long-term opiate therapy. Respondent also failed to evaluate and  
15 document the need for opiates and document what non-opiate alternative treatments had been  
16 attempted and failed including, but not limited to, Tylenol, Motrin, Gabapentin, physical therapy,  
17 or a pain management referral, prior to prescribing opiates to Patient D, all of which constitutes  
18 one simple departure from the standard of care.

19 62. Respondent failed to perform a focused physical examination on or about October 10,  
20 2019 and on or about February 7, 2020 (namely a musculoskeletal exam, spinal exam, or range of  
21 motion) of Patient E to determine potential causes for his back pain and scoliosis prior to  
22 prescribing opiates. He did not document any non-opiate measures that had already been tried  
23 and failed such as Tylenol, Motrin, Gabapentin, physical therapy, or a pain management referral.  
24 Respondent did not describe how Patient E's back pain limited his functionality, and therefore did  
25 not describe symptoms that warranted long-term opiate therapy, all of which constitutes one  
26 simple departure from the standard of care for Patient E.

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1                   Standard of Care Related to Patient Consent and Pain Management Agreements

2                   63. The standard of care mandates that the patient is provided risks, alternatives and  
3                   benefits to the opiates being prescribed and that the patient consents to have treatment with  
4                   opiates. Additionally, the standard of care also mandates that the provider have a signed pain  
5                   management agreement between the provider and patient regarding the pain management. The  
6                   California Medical Board guidelines recommends that an agreement be signed if a patient is  
7                   expected to require more than three months of opiates or long-acting opiates are prescribed. The  
8                   standard in the community is to have the agreement signed before any refills are provided.

9                   64. Respondent failed to document verbal consent, nor did he document the discussion of  
10                  the risks, benefits, or alternatives to opioid treatment with Patients A, B, C, D, or E. Respondent  
11                  also did not have a signed management agreement with Patients A, B, C, D, or E. The lack of  
12                  documentation of the discussion of risks, benefits and alternatives, in addition to the lack of a  
13                  signed pain management agreement with Patients A, B, C, D, and E constitutes one simple  
14                  departure from the standard of care for each patient, respectively.

15                   Standard of Care Related to Medical Record Maintenance and Periodic Review

16                   65. The standard of care requires that a physician must maintain accurate and complete  
17                  records demonstrating a history and exam along with evaluations and consultations, treatment  
18                  plans and objectives, informed consent, medications prescribed and periodic review  
19                  documentation. This periodic review includes documentation of the review of CURES reports,  
20                  review of patient compliance, and assessment for possible diversion, when prescribing controlled  
21                  substances.

22                   66. Respondent failed to maintain complete records documenting a physical examination  
23                  and proper symptoms that would warrant long-term opiate therapy for Patients A, B, C, D, or E.  
24                  His progress notes were insufficient documentation for a visit, whether or not an opiate was  
25                  prescribed. He failed to document any monitoring or periodic reviews of Patient A, B, C, D, or  
26                  E's opiate use, compliance, and continued treatment plan. Respondent did not maintain complete  
27                  records to demonstrate a proper history or exam to warrant the use of opiates, nor did he review  
28                  any CURES reports, or otherwise assess for Patients A, B, C, D, or E's diversion. Respondent's

1 failure to perform periodic reviews and his failure to document periodic assessments of CURES  
2 reports constitutes one simple departure from the standard of care for Patients A, B, C, D, and E,  
3 respectively.

4 Standard of Care Related to the Management of Hypertension

5 67. The standard of care for a hypertension work up and management includes baseline  
6 blood test evaluation for liver and kidney function. Additionally, it is the standard of care to  
7 perform an EKG on any persons with significantly elevated blood pressure (diastolic above 100)  
8 or in persons with symptoms of end organ injury such as chest pain, palpitations, headache, or  
9 vision changes. Close monitoring is warranted in patients with significantly elevated blood  
10 pressure and a discussion of the warning signs of stroke, heart attack, or other medical  
11 emergencies is required.

12 68. Respondent failed to perform diagnostic tests, not only to assess for possible  
13 secondary causes of Patient B's hypertension, but also to confirm the safety of medications he  
14 was prescribing. Additionally, despite multiple visits with high blood pressure, Respondent failed  
15 to document conversations of screening for end organ injury with symptoms such as headache,  
16 chest pain, and palpitations, and he failed to document discussions of when to seek urgent  
17 medical attention. The lack of proper evaluation of a hypertensive patient coupled with the  
18 significant delay in getting Patient B's blood pressure under control constitutes a simple departure  
19 from the standard of care.

20 69. Respondent failed to diagnose hypertension in Patient C, despite numerous  
21 appointments with a diastolic blood pressure greater than 90. Respondent did not perform any  
22 diagnostic tests not only to assess for possible secondary causes of hypertension, but to confirm if  
23 it was safe to use the other medications he was prescribing. Additionally, despite multiple visits  
24 in which the patient had high blood pressure, Respondent's charts fail to document conversations  
25 of screening for end organ injury with symptoms such as headache, chest pain, and palpitations,  
26 and failed to document discussions of when to seek urgent medical attention. Additionally,  
27 Respondent's records show a lack of further evaluation such as EKG.

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1                   Standard of Care Related to Appropriate Pre-operative Optimization

2       70. The standard of care of an internist in a patient about to undergo surgery of any kind  
3       is to optimize this patient for surgery. This includes reviewing all of the patient's previous  
4       surgeries and possible complications, reviewing active medications and allergies, assessing the  
5       risk of the surgery and assessing and managing any potential risks of anesthesia. Most notably,  
6       blood pressure optimization is warranted to reduce risks of stroke, bleeding, or heart attack while  
7       under anesthesia.

8       71. Respondent failed to optimize Patient B for shoulder surgery, failed to document any  
9       conversations about the risks of anesthesia or surgery, failed to document a complete medication  
10      list and surgical history, and failed to review Patient B's medication allergies. Respondent's  
11      failure to optimize Patient B is a simple departure from the standard of care.

12                   Standard of Care Related to the Use of Benzodiazepines and Opiates Concomitantly

13       72. The standard of care mandates that a provider attempt to use non-benzodiazepine  
14      forms of treatments for anxiety unless these forms have been unsuccessful. Additionally, the  
15      standard of care mandates that benzodiazepines be avoided in patients chronically managed on  
16      opiates. If benzodiazepines are necessary, the standard of care is to document that risks, benefits  
17      and alternatives were discussed with the patient.

18       73. Respondent prescribed benzodiazepines to Patient D despite Patient D's long-term use  
19      of opiates, and he did not document any discussion of alternatives provided, or of the risks of  
20      concomitant use, which constitutes a simple departure from the standard of care.

21                   **THIRD CAUSE FOR DISCIPLINE**

22                   **(Failure to Maintain Adequate and Accurate Medical Records)**

23       74. Respondent Leonard Frederick Liss, M.D. is subject to disciplinary action under  
24      section 2266 of the Code, in that he failed to maintain adequate and accurate medical records as  
25      to Patients A, B, C, D and E. The circumstances giving rise to this cause for discipline are set  
26      forth in paragraphs 11 through 73 above, and are incorporated here by reference as if fully set  
27      forth. Additional circumstances are as follows:

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1       75. The standard of care requires the physician must maintain accurate and complete  
2 records demonstrating a history and exam along with evaluations and consultations, treatment  
3 plans and objectives, informed consent, medications prescribed and periodic review  
4 documentation.

5        76. In addition, when prescribing controlled substances, the standard of care requires that  
6 a physician must also maintain accurate and complete records demonstrating a patient's  
7 assessment which includes an evaluation of the patient's pain, prior successful and failing  
8 treatments, and assessments of risks of treatment options, including but not limited to co-existing  
9 conditions or risk of addiction, prior to prescribing opioid medications. The standard of care  
10 mandates that the patient is provided the risks, alternatives and benefits to the opiates being  
11 prescribed and that the patient consents to have treatment with opiates. Additionally, the standard  
12 of care also mandates that the provider documents and has a signed agreement between the  
13 provider and patient regarding the pain management.

14        77. Respondent failed to document a medical record of taking a history, doing a physical  
15 examination, making a diagnosis, assessment and plan, and then prescribing a therapy, including  
16 the proper assessment, management and monitoring when prescribing controlled substances  
17 consistent with the above standards of care for Patients A, B, C, D, and E.

18        78. Although Respondent was treating and prescribing medication to Patient B as early as  
19        November 2017, Respondent's treatment notes for encounters do not begin until on or about  
20        March 22, 2018.

## **FOURTH CAUSE FOR DISCIPLINE**

### **(Improper Telehealth Visits)**

23        79. Respondent Leonard Frederick Liss, M.D. is subject to disciplinary action under  
24 section 2290.5 of the Code, in that he failed to obtain consent and provide proper treatment to  
25 Patients A, B, C, D, and E during telehealth visits. The circumstances giving rise to this cause for  
26 discipline are set forth in paragraphs 11 through 78 above, which are incorporated here by  
27 reference as if fully set forth. Additional circumstances are as follows:

1       80. The standard of care during the COVID-19 pandemic crisis was to adjust in-person  
2 appointments to virtual appointments when appropriate, with the consent of the patient.  
3 Physicians are held to the same standard of care, and retain the same responsibilities of providing  
4 informed consent, ensuring the privacy of medical information, and any other duties, including  
5 assessment and treatment, associated with practicing medicine regardless of whether they are  
6 providing treatment via telehealth or face-to-face, in-person.

7       81. Respondent did not document consent for telehealth visits with Patients A, B, C, D, or  
8 E. Respondent also documented each encounter as an "office visit" even though he was  
9 providing care via telehealth visits.

10      82. All progress notes from the telehealth visits for Patients A, B, C, D, and E, had  
11 minimal or no notation of subjective reports, no objective notes, no assessments or treatment  
12 plans, and failed to add any new information regarding the source of each patient's pain,  
13 alternative treatment options, or evaluations.

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## 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:

4       1. Revoking or suspending Physician's and Surgeon's Certificate Number G 74715,  
5 issued to Respondent Leonard Frederick Liss, M.D.;

6       2. Revoking, suspending or denying approval of Respondent Leonard Frederick Liss,  
7 M.D.'s authority to supervise physician assistants and advanced practice nurses;

8       3. Ordering Respondent Leonard Frederick Liss, M.D., to pay the Board the costs of the  
9 investigation and enforcement of this case, and if placed on probation, the costs of probation  
10 monitoring; and

11       4. Taking such other and further action as deemed necessary and proper.

13 DATED: MAY 02 2024

JENNA JONES FOR  
REJI VARGHESE  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*