BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: CRAIG ARTHUR WHITEHEAD, M.D. Certificate No. G-10378, Respondent.	)	NO. D-3442

DECISION

The attached Stipulation is hereby adopted by the Division of Medical Quality of the Board of Medical Quality Assurance as its Decision in the above-entitled matter.

This Decision shall become effective on May 1, 1986.

IT IS SO ORDERED May 1, 1986.

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE



MILLER MEDEARIS
Secretary-Treasurer

ORIGINAL

JOHN K. VAN DE KAMP, Attorney General
of the State of California
ALFREDO TERRAZAS
Deputy Attorney General
350 McAllister St., Rm. 6000
San Francisco, CA 94102
Telephone: (415) 557-2515

Attorneys for Complainant

BEFORE THE
DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:	No. D-3442
CRAIG ARTHUR WHITEHEAD, M.D. 18 Grace Court Corte Madera, CA 94925 Physician's & Surgeon's Certificate No. G-10378, Respondent.	SURRENDER OF CERTIFICATE OF LICENSURE PURSUANT TO STIPULATION AND ORDER THEREON

IT IS HEREBY STIPULATED AND AGREED to by and between CRAIG ARTHUR WHITEHEAD, M.D. (hereinafter "respondent"), by and through his attorney, Colleen Butler, and the Board of Medical Quality Assurance, Division of Medical Quality, State of California, by and through its attorney, John K. Van de Kamp, Attorney General, by Alfredo Terrazas, Deputy Attorney General, as follows:

1. That respondent has received and read the Accusation, which is presently on file and pending in Case No. D-3442 before the Board of Medical Quality Assurance, State of California.

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2. That respondent understands the nature of the charges alleged in the above-mentioned Accusation, a copy of which is attached hereto as Exhibit "A".

3. That respondent is fully aware of his right to a hearing on the charges and allegations contained in said Accusation No. D-3442, his right to reconsideration, to appeal, and to any and all other rights which may be accorded him under the California Administrative Procedure Act; and that by entering into this Stipulation, he voluntarily waives his right to a hearing, to reconsideration, to appeal, and to any and all other rights which may be accorded him by the California Administrative Procedure Act and the Code of Civil Procedure.

4. That Kenneth J. Wagstaff, complainant in this case, as Executive Director of the Board of Medical Quality Assurance of the State of California, made and filed the Accusation in his official capacity as such and not otherwise, and that the respondent's license history and status, as set forth in paragraph 2 of the Accusation, is true and correct.

5. That respondent desires and agrees to surrender his certificate of licensure to the Board of Medical Quality Assurance for their formal acceptance, thereby relinquishing his right to practice medicine in California.

6. That respondent expressly agrees to waive the renewal provisions of Business and Professions Code sections 2422, 2427, and 2435. It is also hereby expressly understood that if respondent applies to the Board to have his certificate renewed, restored, reissued, or reinstated, or applies for a

new license, the Board may:

A. Require that respondent's DEA permit be surrendered to the Drug Enforcement Administration for cancellation, together with any triplicate prescription forms and federal order forms and that thereafter, respondent not reapply for a new DEA permit without the prior written consent of the Division of Medical Quality or its designee;

B. Require that within ninety (90) days of the petition to renew, restore, reissue or reinstate his prior license, or, if he applies for a new license, respondent shall submit to the Division of Medical Quality for its prior approval an educational program or course related to alcohol and/or drug abuse, which shall not less than 40 hours per year for two (2) years. This program shall be in addition to the Continuing Medical Education requirements for re-licensure. Following the completion of such course, the Division of Medical Quality or its designee may administer an examination to test respondent's knowledge of the course;

C. Require that respondent abstain completely from personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, and dangerous drugs as defined by section 4211 of the Business and Professions Code, or any drugs requiring a prescription;

D. The Order forbidding respondent from personal use or possession of controlled substances or dangerous drugs, does not apply to medication lawfully prescribed to respondent for a bona fide illness condition by another practitioner;

E. Require that respondent abstain completely from the use of alcoholic beverages;

F. Require that respondent, upon reinstatement, renewal, reissuance, or issuance of a new license, submit to biological fluid testing, at the respondent's cost, upon the request of the Division of Medical Quality Assurance, or its designee;

G. Require that respondent, prior to renewal, reinstatement, reissuance, or issuance of a new license, have participated and successfully completed a chemical dependency rehabilitation program in which respondent shall participate at least weekly for at least fifty (50) weeks of the calendar year and respondent shall, as requested, provide documentary evidence to the Division of Medical Quality of continuing participation in this program;

H. Restrict or limit the extent, scope, or type of practice of respondent; and

I. Investigate and consider all activities of the respondent since the surrender of his certificate; investigate and consider the offenses contained in the pending Accusation; and, investigate and consider his activities during the time his certificate was in good standing.

7. That in consideration for the above, the Board agrees to dismiss, and without prejudice, case number D-3442 (Accusation Against Respondent) and to accept the voluntary

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surrender of respondent's certificate to practice medicine in California.

Dated: Feb. 25, 1986

ALFREDO TERRAZAS
Deputy Attorney General
Attorney for Complainant

Dated: 3/7/86

COLLEEN BUTLER, Esq.
Attorney for Respondent

I HEREBY CERTIFY that I have read this Stipulation and Agreement in its entirety, that my attorney of record has fully explained the legal significance and consequences thereof, that I fully understand the terms of this Stipulation, and, I voluntarily agree to them and IN WITNESS THEREOF, I affix my signature this 6th day of March, 1986, at Pukalani, Hi, ~~California~~.

CRAIG ARTHUR WHITEHEAD, M.D.
Respondent

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF HAWAII)
County of Maui) ss.

On this 6th day of March, 19 86, before me personally appeared
- - Craig Arthur Whitehead - - -

to me known to be the person (s) described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Notary Public, Second Judicial Circuit, State of Hawaii

My commission expires Feb. 28, 1987

F-182 (REV 7-62)

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EXHIBIT A

ORIGINAL

JOHN K. VAN DE KAMP, Attorney General
of the State of California
ALFREDO TERRAZAS
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350 McAllister St., Rm. 6000
San Francisco, CA 94102
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Attorneys for Complainant

BEFORE THE
DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
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STATE OF CALIFORNIA

In the Matter of the Accusation Against:	No. D-3442
CRAIG ARTHUR WHITEHEAD, M.D. 18 Grace Court Corte Madera, CA 94925 Physician's & Surgeon's Certificate No. G-10378, Respondent.	ACCUSATION

Complainant alleges that:

1. He is KENNETH J. WAGSTAFF, the Executive Director of the Board of Medical Quality Assurance of the State of California (hereinafter referred to as the "Board"), and makes and files this accusation in his official capacity and not otherwise.

2. On or about January 13, 1965, respondent CRAIG ARTHUR WHITEHEAD, M.D. (hereinafter referred to as the "respondent") was issued a physician's and surgeon's certificate by the Board, more particularly identified as Certificate No. G-10378. Said certificate has been in full force and effect at all times herein.

STATUTES

3. Business and Professions Code[1/] section 2227 provides that every certificate issued may be suspended, revoked, placed on probation, publicly reprimanded, or have such other proper action taken against it by the Board.

4. Section 2234 provides that the Division of Medical Quality shall take disciplinary action against any licensee who is guilty of unprofessional conduct.

5. Section 2238 of the Business and Professions Code states that: "A violation of any federal statute or federal regulation or of any of the statutes or regulations of this state regulating narcotics, dangerous drugs, or controlled substances constitutes unprofessional conduct."

6. Section 2239 provides, in pertinent part, that the use or administering to himself or herself of any controlled substance or the use of dangerous drugs, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely, constitutes unprofessional conduct and a plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section.

7. Health and Safety Code section 11350 provides, in pertinent part, that it is unlawful for a person to possess any controlled substance specified in subdivision (b) or (c) of

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1. All statutory references are to the Business and Professions Code unless otherwise indicated.

section 11055, or classified in Schedules III, IV, or V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist or veterinarian licensed to practice in this state.

8. Health and Safety Code section 11170 provides that no person shall prescribe, administer, or furnish a controlled substance for himself.

DRUGS

9. At all times pertinent herein:

(a) Cocaine was classified as a schedule II controlled substance in Health and Safety Code section 11055, subdivision (b)(4) and was also classified as a dangerous drug within the meaning of section 4211, subdivisions (a) and (c).

(b) Codeine was classified as a schedule II controlled substance in Health and Safety Code section 11055, subdivisions (b)(1) and (2), and was also classified as a dangerous drug within the meaning of section 4211, subdivisions (a) and (c).

(c) Morphine was classified as a schedule II controlled substance in Health and Safety Code section 11055, subdivisions (b)(1) and (2), and was also classified as a dangerous drug within the meaning of section 4211, subdivisions (a) and (c).

(d) Phertermine was classified as a schedule IV controlled substance in Health and Safety Code section 11057, subdivision (f), and was also classified as a

dangerous drug within the meaning of section 4211, subdivisions (a) and (c).

(e) Tuinal was classified as a schedule III controlled substance in Health and Safety Code section 11056, subdivision (b)(1), and was also classified as a dangerous drug within the meaning of section 4211, subdivisions (a) and (c).

(f) Amobarbital was classified as a schedule III controlled substance in Health and Safety Code section 11056, subdivision (c)(1) and was also classified as a dangerous drug within the meaning of section 4211, subdivisions (a) and (c).

(g) Secobarbital was classified as a schedule III controlled substance in Health and Safety Code section 11056, subdivision (c)(1) and was also classified as a dangerous drug within the meaning of section 4211, subdivisions (a) and (c).

FIRST CAUSE FOR DISCIPLINARY ACTION

10. Respondent CRAIG ARTHUR WHITEHEAD, M.D., is subject to disciplinary action pursuant to section 2239, in conjunction with sections 2234 and 2238 as follows:

(a) On or about January 9, 1985, and beginning at some period prior thereto, respondent unlawfully possessed schedule II, III, and IV controlled substances. As illustrative of said conduct, on or about Janaury 9, 1985, after being arrested pursuant to section 23152(a) of the California Vehicle Code (driving while under the influence

of a drug), in the County of Marin, respondent was found to be in possession of cocaine, codeine, Tuinal and Phentermine.

11. Respondent's unlawful possession of controlled substances, as alleged in paragraph 10, constitutes unprofessional conduct under sections 2234 and 2238 of the Business and Professions Code in that said conduct violates sections 11055, 11056 and 11057 of the California Health and Safety Code, state statutes regulating controlled substances; and thereby, constitutes grounds for disciplinary action against respondent pursuant to section 2234 of the Business and Professions Code.

SECOND CAUSE FOR DISCIPLINARY ACTION

12. The allegations of the first cause for discipline are incorporated by reference as if fully set forth in these words.

13. Urinalysis of a specimen collected from respondent at the time of his arrest disclosed the presence of cocaine, cocaine metabolite, codeine, morphine, phentermine, amobarbital, amobarbital metabolites and secobarbital metabolites.

14. Respondent's unlawful use or administering to himself of controlled substances and dangerous drugs as outlined in paragraph 13, demonstrates a usage of these drugs in such a manner as to be dangerous or injurious to the licensee, or to any other person or the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely and constitutes unprofessional conduct. Said unprofessional

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conduct violates section 2239 of the Business and Professions Code and constitutes grounds for disciplinary action against respondent pursuant to section 2234.

WHEREFORE, complainant prays that the Board of Medical Quality Assurance hold a hearing on the matters contained herein and, following said hearing, issue a decision revoking or suspending respondent's physician's and surgeon's certificate.

Dated: December 5, 1985

KENNETH J. WAGSTAFF
Executive Director
Board of Medical Quality Assurance

Complainant