

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

In the Matter of the Accusation)
Against:)
)
JEFFREY L. BRUNING, M.D.)
Certificate No. G-39586)
)
Respondent.)
_____)


Case No. 02-97-71402

DECISION

The attached Stipulation for Surrender of Physician's License is hereby adopted by the Division of Medical Quality as its Decision in the above-entitled matter.

This Decision shall become effective on June 16, 1998.

IT IS SO ORDERED June 9, 1998.

By: 
IRA LUBELL, M.D.
Chairperson, Panel A
Division of Medical Quality

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 VIVIEN HARA HERSH, Supervising
Deputy Attorney General
3 RONALD V. THUNEN, JR., State Bar No. 041145
Deputy Attorney General
4 California Department of Justice
50 Fremont Street, Suite 300
5 San Francisco, California 94105-2239
Telephone: (415) 356-6305

6 Attorneys for Complainant
7

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

11 In the Matter of the Accusation) Case No. 02-97-71402
Against:)
12)
13 JEFFREY L. BRUNING, M.D.,) STIPULATION FOR SURRENDER
510 A Cypress Avenue) OF PHYSICIAN'S LICENSE
Fort Bragg, CA 95437)
14)
License No. G 39586)
15)
Respondent.)
16)

17
18 In the interest of a prompt and speedy settlement of
19 this matter, consistent with the public interest and the
20 responsibility of the Division of Medical Quality, Medical Board
21 of California, Department of Consumer Affairs ("Division") the
22 parties hereby agree to the following Stipulated Settlement for
23 Surrender of Physician's License which will be submitted to the
24 Division for its approval and adoption as the final disposition
25 of the Accusation.

26 / / /

27 / / /

28 / / /

1 PARTIES

2 1. Complainant Ron Joseph is the Executive Director
3 of the Medical Board of California who brought this action solely
4 in his official capacity and is represented in this matter by
5 Daniel E. Lungren, Attorney General of the State of California,
6 by Ronald V. Thunen, Jr., Deputy Attorney General.

7 2. Respondent Jeffrey L. Bruning, M.D. ("respondent")
8 appears in this matter *in Propria Persona*.

9 3. At all times relevant herein, respondent has been
10 licensed by the Medical Board of California under Physician's
11 License No. G 39586.

12 JURISDICTION

13 4. Accusation, No. 02-97-71402, was filed before the
14 Division and is currently pending against respondent. The
15 Accusation, together with all other statutorily required
16 documents, has been duly served on the respondent, and respondent
17 has offered to surrender his license in order to resolve this
18 matter. A copy of Accusation No. 02-97-71402 is attached as an
19 exhibit and incorporated herein by reference.

20 ADVISEMENT AND WAIVERS

21 5. Respondent represents that he understands the
22 nature of the charges alleged in the Accusation and the effects
23 of this Stipulation.

24 6. Respondent understands that the charges and
25 allegations in the Accusation, if proven at a hearing, constitute
26 cause for imposing discipline upon his license. Respondent is
27 fully aware of his legal rights and that, but for this
28 Stipulation, he would be entitled: 1) to a hearing on the charges

1 and allegations in the Accusation; 2) to be represented by
2 counsel, at his own expense, in all proceedings in this matter;
3 3) to confront and cross-examine the witnesses against him; 4) to
4 present evidence on his own behalf and to the issuance of
5 subpoenas to compel the attendance of witnesses and the
6 production of documents; 5) to reconsideration and appeal of an
7 adverse decision; and 6) all other rights accorded pursuant to
8 the California Administrative Procedure Act and other applicable
9 laws.

10 7. With these rights in mind, respondent freely,
11 voluntarily, knowingly and intelligently waives and gives up each
12 and every right set forth above.

13 CULPABILITY

14 8. Respondent admits the truth of each and every
15 allegation in Accusation No. 02-97-71402.

16 9. Respondent agrees that his license is subject to
17 discipline pursuant to section 822 of the Code. Respondent
18 agrees to be bound by the Division's imposition of discipline as
19 set forth in the Order below.

20 CIRCUMSTANCES IN MITIGATION

21 10. Respondent has never been the subject of any
22 disciplinary action. He is admitting responsibility at an early
23 stage in the proceedings.

24 RESERVATION

25 11. The admissions made by respondent herein are only
26 for the purposes of this proceeding, or any other proceedings in
27 which the Division of Medical Quality, Medical Board of
28 California or other professional licensing agency is involved,

1 and shall not be admissible in any other criminal or civil
2 proceedings.

3 CONTINGENCY

4 12. This stipulation shall be subject to the approval
5 of the Division. Respondent understands and agrees that Board
6 staff and counsel for complainant may communicate directly with
7 the Division regarding this stipulation and settlement, without
8 notice to or participation by respondent. If the Division fails
9 to adopt this stipulation as its Order, the stipulation shall be
10 of no force or effect, it shall be inadmissible in any legal
11 action between the parties, and the Division shall not be
12 disqualified from further action in this matter by virtue of its
13 consideration of this stipulation.

14 13. In consideration of the foregoing admissions and
15 stipulations, the parties agree that the Division may, without
16 further notice or formal proceeding, accept respondent's
17 unconditional offer to surrender his physician and surgeon's
18 license No. G 39586, such surrender to take effect upon the
19 effective date of this decision. In consideration of this
20 surrender, the Division agrees that any investigative or
21 enforcement costs which might otherwise be payable by the
22 respondent are hereby waived. Finally, the respondent
23 acknowledges and agrees that, following acceptance of his offer
24 of surrender, the only avenue by which the respondent might seek
25 reinstatement of his right to practice medicine in California
26 would be by way of a petition for reinstatement pursuant to
27 sections 2307 and 823. Respondent further agrees that he will
28 not submit any such petition within two years of the effective

1 date of this decision. It is further acknowledged and agreed
2 that, in the event that respondent shall make such a petition,
3 the Board may require as conditions of reinstatement that
4 respondent shall pay the sum of \$8,000 as reimbursement of
5 investigative costs incurred herein, and further that the Board
6 may require, as a condition of reinstatement, that respondent
7 submit to a diagnostic examination described in section 823(c)
8 without any further proceedings. It is further expressly agreed
9 that such examination may, at the agency's discretion, include
10 issues of chemical dependency or substance abuse, including
11 alcohol. Nothing in this stipulation shall be deemed to limit
12 the Board's authority to place conditions on the reinstatement of
13 respondent, and nothing in this stipulation binds the Board to
14 grant any such application for reinstatement under any terms.

15 **DISCIPLINARY ORDER**

16 **IT IS HEREBY ORDERED** that respondent's offer to
17 surrender his physician and surgeon's license No. G 39586 is
18 hereby accepted.

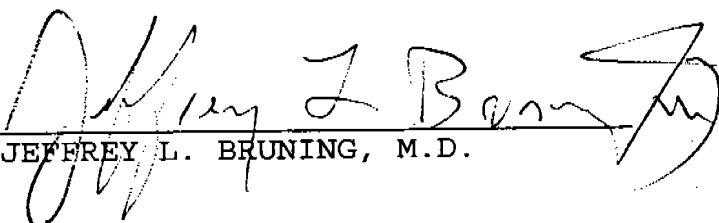
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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Decision. I understand the effect this stipulation will have on my license to practice medicine and agree to be bound thereby. I enter into this Stipulated Settlement for Surrender of Physician's License knowingly, voluntarily, freely and intelligently.

DATED: 5/11/98.


JEFFREY L. BRUNING, M.D.

ENDORSEMENT

The foregoing Stipulation for Surrender of Physician's License is hereby respectfully submitted for consideration of the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs.

DATED: 5-14-98

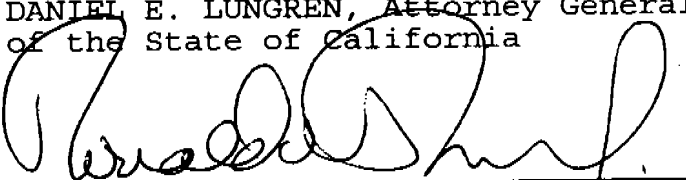
DANIEL E. LUNGREN, Attorney General
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RONALD V. THUNEN, JR.
Deputy Attorney General
Attorneys for Complainant

EXHIBIT 1

1 DANIEL E. LUNGREN, Attorney General
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 2 VIVIEN HARA HERSH, Supervising
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 3 RONALD V. THUNEN, JR., State Bar No. 041145
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8 **BEFORE THE**
 9 **DIVISION OF MEDICAL QUALITY**
MEDICAL BOARD OF CALIFORNIA
 10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11	In the Matter of the Accusation)	Case No. 02-97-71402
	Against:)	
12	JEFFREY L. BRUNING, M.D.)	ACCUSATION
13	510 A Cypress Avenue)	
	Fort Bragg, CA 95437)	
14	License No. G 39586)	
15)	
	Respondent.)	

17
 18 The Complainant alleges:

19 **PARTIES**

20 1. Complainant, Ron Joseph, is the Executive Director
 21 of the Medical Board of California (hereinafter the "Board") and
 22 brings this accusation solely in his official capacity.

23 2. On or about July 2, 1979, License No. G 39586 was
 24 issued by the Board to Jeffrey L. Bruning (hereinafter
 25 "respondent"), and at all times relevant to the charges brought
 26 herein, this license has been in full force and effect. Unless
 27 renewed, it will expire on March 31, 1999.

1 JURISDICTION

2 3. This accusation is brought before the Division of
3 Medical Quality of the Medical Board of California, Department of
4 Consumer Affairs (hereinafter the "Division"), under the
5 authority of the following sections of the California Business
6 and Professions Code (hereinafter "Code"):

7 A. Section 822 authorizes the Division to suspend,
8 revoke, or place on probation, any licensee whose ability to
9 practice is impaired because he is mentally ill, or
10 physically ill, affecting competency.

11 B. Section 125.3 provides that in any order issued in
12 resolution of a disciplinary proceeding before the Medical
13 Board, the Board may request the administrative law judge to
14 direct the licensee found to have committed a violation or
15 violations of the Licensing Act to pay a sum not to exceed
16 the reasonable costs of investigation and enforcement of the
17 case.

18 C. Section 2227 provides, in pertinent part, that if
19 a licensee is placed on probation, the order imposing
20 probation may include a requirement that the licensee pay
21 the costs of probation monitoring.

22 D. Section 16.01 of the 1997/1998 Budget Act of the
23 State of California provides, in pertinent part, that: (a) no
24 funds appropriated by this act may be expended to pay any Medi-
25 Cal claim for any service performed by a physician while that
26 physician's license is under suspension or revocation due to a
27 disciplinary action of the Medical Board of California; and, (b)

1 no funds appropriated by this act may be expended to pay any
2 Medi-Cal claim for any surgical service or other invasive
3 procedure performed on any Medi-Cal beneficiary by a physician if
4 that physician has been placed on probation due to a disciplinary
5 action of the Medical Board of California related to the
6 performance of that specific service or procedure on any patient,
7 except in any case where the Board makes a determination during
8 its disciplinary process that there exist compelling
9 circumstances that warrant continued Medi-Cal reimbursement
10 during the probationary period.

11 **CAUSE FOR ACTION**

12 4. On or about February 12, 1997, the respondent
13 admitted that he suffers from fibromyalgia and other conditions
14 which cause him chronic pain, sleep disturbance and depression.
15 He further admitted that he is under the care of physicians for
16 these conditions, and that part of his treatments consist of
17 prescription medications of a type, strength, and frequency such
18 that, if he were to treat patients at this time, his medical
19 judgment would be impaired by his prescription medications; or
20 practicing without medications, his ability to practice medicine
21 would be impaired, and he would thus be unable to practice
22 medicine safely at this time.

23 5. The facts alleged in the foregoing paragraph
24 constitute cause for action pursuant to Business and Professions
25 Code section 822.

26 / / /

27 / / /

1 **PRAYER**

2 **WHEREFORE**, the complainant requests that a hearing be
3 held on the matters herein alleged, and that following the
4 hearing, the Division issue a decision:


5 1. Revoking or suspending physician and surgeon's
6 certificate Number G 39586, heretofore issued to respondent
7 Jeffrey L. Bruning;

8 2. Ordering respondent to pay the Division the actual
9 and reasonable costs of the investigation and enforcement of this
10 case;

11 3. If probation is ordered as a part of the decision
12 herein, that respondent be required to pay probation costs as
13 provided in Business and Professions Code section 2227;

14 4. Taking such other and further action as the
15 Division deems necessary and proper.

16 **DATED:** June 9, 1998

17
18
19 
20 **Ron Joseph**
21 **Executive Director**
22 **Medical Board of California**
23 **Department of Consumer Affairs**
24 **State of California**

25 **Complainant**

26 **Bruning\accuse [115 rev]**
27

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DEC - 8 1997

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 VIVIEN HARA HERSH, Supervising
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Office of Administrative Hearings
OAKLAND

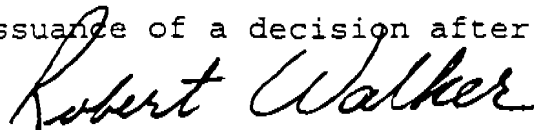
6 Attorneys for Complainant
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8 **BEFORE THE**
9 **DIVISION OF MEDICAL QUALITY**
10 **MEDICAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation) Case No. 02-97-71402
Against:)
12)
13 JEFFREY L. BRUNING, M.D.,) INTERIM ORDER OF
510 A Cypress Avenue) SUSPENSION
Fort Bragg, CA 95437) (Govt. Code, § 11529)
14)
License No. G 39586)
15)
Respondent.)
16)

17
18 Petitioner Division of Medical Quality having filed its
19 petition seeking an interim order of suspension of the physician
20 and surgeon license of Jeffrey L. Bruning, M.D., and petitioner
21 and respondent having entered into a stipulation which was
22 submitted to the Office of Administrative Hearings, and good
23 cause appearing therefor,

24 IT IS ORDERED that Physician and Surgeon License No. G
25 39586 issued to respondent Jeffrey L. Bruning, M.D. is suspended.
26 This order shall remain in effect pending the filing of an
27 accusation and the issuance of a decision after hearing.

28 

Administrative Law Judge

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Office of Administrative Hearings
OAKLAND

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 VIVIEN HARA HERSH, Supervising
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9 **DIVISION OF MEDICAL QUALITY**
10 **MEDICAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation) Case No. 02-97-71402
Against:)
12)
13 **JEFFREY L. BRUNING, M.D.,**) **STIPULATION FOR INTERIM**
14 **510 A Cypress Avenue**) **ORDER OF SUSPENSION**
Fort Bragg, CA 95437) **(Govt. Code, § 11529)**
15 **License No. G 39586**)
16 Respondent.)

17
18 It is hereby stipulated between the parties as follows:
19 1. The Division of Medical Quality of the Medical
20 Board of California (petitioner) has filed a petition for interim
21 order of suspension against Jeffrey Bruning, M.D. (respondent),
22 pursuant to Government Code section 11529. Such an order
23 prohibits a physician from practicing medicine in California
24 until the resolution of an administrative proceeding. Section
25 11529 requires that an Accusation must be filed and served within
26 15 days of the submission of the application for an interim
27 order, and the Board shall provide the licensee with a hearing
28 within 30 days of a request for hearing, unless the licensee

1 stipulates to a later hearing, and the Board is further required
2 to issue a decision within 15 days of the date that the matter is
3 submitted.

4 2. For the purposes of this proceeding, and not as an
5 admission of the truth of the charges for any other purpose,
6 including but not limited to, any administrative proceeding
7 associated with this action, respondent admits that the charges
8 set forth in the petition, if proved, would constitute a *prima*
9 *facie* case for issuance of the order sought by said petition.

10 3. Respondent further stipulates that the
11 administrative law judge may issue an interim suspension order
12 herein in the form of Exhibit "A" to this stipulation without
13 further proceedings.

14 4. The petitioner and the respondent further
15 stipulate as follows:

16 A. Respondent agrees that the Division can
17 order, and he will submit to a physical and
18 mental examination as contemplated by
19 Business and Professions Code section 820
20 within 30 days of service of an order for
21 such an examination. This examination shall
22 be for the purpose of determining, among
23 other issues:

24 (1) whether respondent's substance abuse,
25 fibromyalgia and other medical
26 conditions, psychiatric conditions, and
27 the medications for those conditions,
28 impair his ability to practice medicine

1 safely.

2 (2) Whether respondent's ability to practice
3 medicine is impaired by substance abuse.
4 For its part, petitioner agrees that it
5 will not issue such an order for at
6 least 180 days after the effective date
7 of the interim suspension order, so long
8 as the suspension order remains in
9 effect.

10 B. Petitioner reserves the right to continue to
11 investigate any and all possible charges
12 against the respondent, including both
13 matters which may be suspected by the
14 petitioner at this time, as well as matters
15 which are totally unknown at this time.

16 C. Petitioner further reserves the right to
17 amend the Accusation pursuant to Government
18 Code section 11507. This right is not
19 limited in any way. In the event that such
20 amendment prompts respondent to request a
21 continuance of the hearing on the Accusation,
22 the order of suspension shall continue in
23 force.

24 D. Petitioner and respondent agree that the
25 administrative hearing on the Accusation
26 shall not commence until 90 days after
27 respondent has received copies of all reports
28 of the examination or examinations conducted

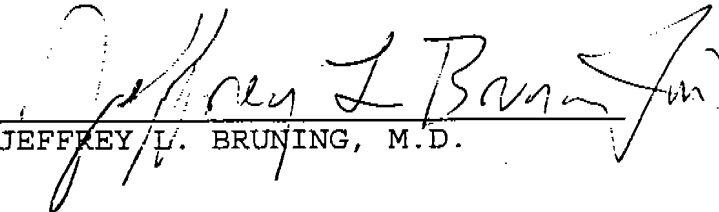
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pursuant to subparagraph A above.


E. Respondent agrees that the time for filing and serving an Accusation herein is extended for 180 days after the effective date of the Interim Suspension Order, and petitioner agrees that no Accusation will be filed for 165 days, provided that the suspension order remains in force and respondent is not in violation of either the order or this stipulation.

DATED:

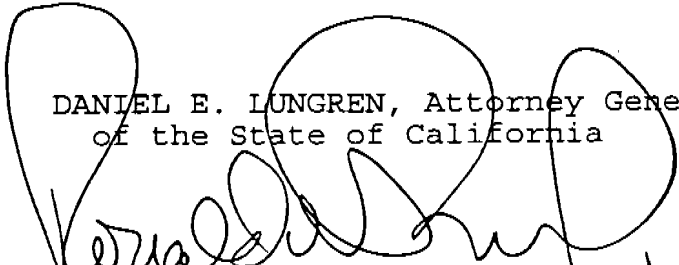
11/17/97


JEFFREY L. BRUNING, M.D.

DATED: 11-20-97


DAVID GALIE, ESQ.
Attorney for Respondent

DATED: 11-25-97

DANIEL E. LUNGREN, Attorney General
of the State of California

RONALD V. THUNEN, JR.
Deputy Attorney General
Attorneys for Complainant