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

In the Matter of the Accusation)
Against:)
)
)
PHILLIP M. MILGRAM, M.D.)
Certificate No. A-35411)
)
)
)
Respondent)

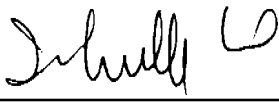
No: 10-1995-50617

DECISION

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

This Decision shall become effective at 5:00 p.m. on November 22, 1999

IT IS SO ORDERED November 15, 1999

By: 
IRA LUBELL, M.D.
President
Division of Medical Quality

1 BILL LOCKYER, Attorney General
 of the State of California
 2 STEVEN H. ZEIGEN, [State Bar No. 60225]
 Deputy Attorney General
 3 Department of Justice
 110 West A Street, Suite 1100
 4 Post Office Box 85266
 San Diego, California 92186-5266
 5 Telephone: (619) 645-2074

ORIGINAL

6 Attorneys for Complainant

7

8

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

9

10

11	In the Matter of the Accusation)	NO. 10-95-50617 (primary)
	Against:)	10-98-83492 (supp)
12)	
	PHILLIP MARK MILGRAM, M.D.)	STIPULATION FOR
13	33150 N. Tenaya Way, Ste. 660)	SURRENDER OF LICENSE
	Las Vegas, NV 89128)	
14)	
	Physician's and Surgeon's)	
15	Certificate No. A 35411)	
)	
16	Respondent.)	

17

18 IT IS HEREBY STIPULATED AND AGREED by and between the
 19 parties to the above-entitled proceedings that the following
 20 matters are true:

21 1. Complainant, Ron Joseph, is the Executive Director
 22 of the Medical Board of California, Department of Consumer
 23 Affairs ("Board") and is represented by Bill Lockyer, Attorney
 24 General of the State of California by Steven H. Zeigen, Deputy
 25 Attorney General. Phillip M. Milgram, M.D. ("respondent") is
 26 represented in this matter by Robert Brown, Esq.

27 2. Respondent has received and read the Accusations
 28 which are presently on file and pending in Case Nos. 10-95-50617

1 and 10-98-83492 before the Division of Medical Quality of the
2 Board ("Division"), copies of which are attached as Exhibit A and
3 incorporated herein by reference.

4 3. Respondent has discussed the matter with his
5 attorney and understands the nature of the charges alleged in the
6 Accusation and that, if proven at hearing, such charges and
7 allegations would constitute cause for imposing discipline upon
8 respondent's license issued by the Board.

9 4. Respondent and his counsel are aware of each of
10 respondent's rights, including the right to be represented by
11 counsel, the right to a hearing on the charges and allegations,
12 the right to confront and cross-examine witnesses who would
13 testify against respondent, the right to testify and present
14 evidence on his own behalf, as well as to the issuance of
15 subpoenas to compel the attendance of witnesses and the
16 production of documents, the right to contest the charges and
17 allegations, and other rights which are accorded respondent
18 pursuant to the California Administrative Procedure Act (Gov.
19 Code, § 11500 et seq.) and other applicable laws, including the
20 right review by the superior court and appellate review.

21 6. Respondent, after consulting with his attorney,
22 freely and voluntarily waives each and every one of the rights
23 set forth in paragraph 5.

24 7. Respondent has relocated his practice to Nevada,
25 where he has been actively practicing medicine for more than two
26 years. He has no intention of returning to California to resume
27 his medical practice. Rather than contest these pending charges,
28 in light of respondent's permanent relocation to Nevada, he

1 chooses to surrender his license to practice medicine in
2 California. Accordingly, for purposes of resolving Accusation
3 No. 10-95-50617 and 10-98-83492, respondent hereby gives up his
4 right to contest that cause for discipline exists, and agrees to
5 surrender his Physician's and Surgeon's certificate for the
6 Division's formal acceptance.

7 8. Respondent understands that by signing this
8 Stipulation he is enabling the Division of Medical Quality to
9 issue its order accepting the surrender of his license without
10 further process. He understands and agrees that Board staff and
11 counsel for complainant may communicate directly with the
12 Division regarding this Stipulation, without notice to or
13 participation by respondent. In the event this Stipulation is
14 rejected for any reason by the Division, it will be of no force
15 or effect for either party except for this paragraph. The
16 Division will not be disqualified from further action in this
17 matter by virtue of its consideration of this stipulation.

18 9. Upon acceptance of this Stipulation by the
19 Division, respondent agrees to cause to be delivered to the
20 Division his license and wallet certificate before the effective
21 date of the Decision. Respondent further understands that, on or
22 after the effective date of this Decision, he will no longer be
23 permitted to practice as a physician or surgeon in California.

24 10. While respondent continues to deny the charges
25 contained in the accusations, he agrees that if he ever petitions
26 the Division for relicensure or reinstatement of his license, the
27 Division may, in its discretion, consider the charges true for
28 purposes of determining whether to reinstate respondent's license

1 to practice medicine in the state of California.

2 11. Respondent understands and agrees that if he ever
3 files an application for relicensure or reinstatement, respondent
4 will reimburse the Division the amount of \$7,500.00 as the costs
5 of investigation and prosecution of this matter. Unless
6 otherwise agreed by the Division, such reimbursement shall be
7 paid in full prior to the processing of the application for
8 relicensure or reinstatement. In addition, the Division may
9 enforce payment as provided by law. The filing of bankruptcy by
10 the respondent shall not relieve respondent of his responsibility
11 to reimburse the Division for its investigative and prosecution
12 costs.


13 12. All admissions and recitals contained in this
14 Stipulation are made solely for the purpose of settlement in this
15 proceeding and for any other proceedings in which the Division is
16 involved, and shall not be admissible in any other criminal or
17 civil proceedings.

18 ACCEPTANCE

19 I, Phillip Mark Milgram, M.D., have carefully read the
20 above stipulation and fully discussed the terms and conditions
21 therein with my counsel of record in this matter. Having done
22 so, I enter into it freely and voluntarily, and, with full
23 knowledge of its force and effect. I do hereby tender for
24 surrender my Physician's and Surgeon's Certificate No. A 35411 to
25 the Division. By signing this Stipulation to surrender my
26 license, I recognize that upon its formal acceptance by the
27 Division, I will give up all rights and privileges to practice as
28 a physician and surgeon in the State of California, and I also


1 will cause to be delivered to the Division both my license and
2 wallet certificate before the effective date of the Decision.

3
4 DATED: 10/10/99

5 
6 Phillip Mark Milgram, M.D.
7 Respondent


8
9 I concur in the stipulation.

10 DATED: 10/14/99

11 
12 Robert Brown, Esq.
13 Attorney for Respondent

14
15 I concur in the stipulation.

16 Dated: 10/14/99

17
18 BILL LOCKYER, Attorney General
19 of the State of California
20 
21 STEVEN H. ZEIGEN
22 Deputy Attorney General
23 Attorneys for Complainant

24 SHZ:pll

25 c:\dat\medbd\Milgram.Sur

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EXHIBIT A

1 BILL LOCKYER, Attorney General
of the State of California
2 STEVEN H. ZEIGEN, [State Bar No. 60225]
Deputy Attorney General
3 Department of Justice
110 West A Street, Suite 1100
4 Post Office Box 85266
San Diego, California 92186-5266
5 Telephone: (619) 645-2074

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO *April 8* 19 *99*
BY *Amelia S. Mather* ANALYST

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) NO. 10-1995-50617
Against:)
12) FIRST
PHILLIP MARK MILGRAM, M.D.) SUPPLEMENTAL
13 3150 N. Tenaya Way, Suite 660) ACCUSATION
Las Vegas, NV. 89128)
14)
Physician's and Surgeon's)
15 Certificate No. A 35411)
16 Respondent.)

17
18 Complainant Ron Joseph, as cause for further
19 disciplinary action, alleges as follows:

20 11. He is the Executive director of the Medical Board
21 of California ("Board") and makes and files this First
22 Supplemental Accusation in his official capacity.

23 12. Complainant refers to the allegations contained in
24 paragraphs 1 through 10 of Accusation No. 10-95-50617 (primary
25 case no.) filed on or about September 17, 1998, and incorporates
26 the same herein by reference as if fully set forth.

27 ///

ADDITIONAL JURISDICTION

13. This First Supplemental Accusation is made in reference to the following additional statutes of the California Business and Professions Code ("Code"):

A. Section 2239 provides in relevant part that administering to oneself of any controlled substance or the use of dangerous drugs or alcoholic beverages to the extent, or in such a manner as to be dangerous or injurious to the licensee or to any other person or to the public, or to the extent such use impairs the ability of the licensee to practice medicine safely constitutes unprofessional conduct.

B. Section 2241 provides, that unless otherwise provided, the prescribing, selling, furnishing, giving away, or administering or offering to prescribe, sell, furnish, give away, or administer any of the drugs mentioned in section 2239 to an addict constitutes unprofessional conduct.

C. Section 2242 provides, inter alia, that prescribing, dispensing, or furnishing dangerous drugs without a good faith prior examination and medical indication constitutes unprofessional conduct.

D. Section 2280 provides no licensee shall practice medicine while under the influence of any narcotic drug or alcohol to such an extent as to impair his or her ability to conduct the practice of medicine with safety to the public and his or her patients.

1 Violating this section constitutes unprofessional
2 conduct.

3 14. In addition, section 16.01 of the California
4 Budget Act has been codified into Section 14124.12 of the Welfare
5 and Institutions Code. It provides, in pertinent part, that no
6 reimbursement will be accorded a licensee on probation as a
7 result of a disciplinary action for any Medi-Cal claim for the
8 type of surgical service or invasive procedure that gave rise to
9 the probation which is performed by the licensee on or after the
10 effective date of the probation, and until the termination of all
11 probationary conditions or the probationary period whichever
12 occurs first.

13 **SIXTH CAUSE FOR DISCIPLINE**

14 (Prescribing Without Good Faith Examination or
15 Medical Indication)

16 15. Respondent Phillip M. Milgram, M.D., is subject to
17 disciplinary action on account of the following:

18 A. A.Y. was a registered nurse and respondent's
19 girlfriend between 1994 and 1997. She was also an
20 addict addicted to Demerol.

21 B. In either 1996 or 1997, respondent learned
22 A.Y. was addicted to Demerol. After finding out about
23 A.Y.'s addiction, respondent prescribed Xanax and
24 Prozac to A.Y. in 1997.

25 C. Respondent paid for A.Y. to attend the Betty
26 Ford treatment center in the latter part of 1997.
27 A.Y. was back at the center, in the relapse prevention
program, during January 1998. On or about January 22,

1 1998, however, A.Y. committed suicide.

2 16. Respondent is subject to disciplinary action for
3 unprofessional conduct in that he prescribed drugs to A.Y.
4 without a good faith medical examination and in the absence of
5 medical indication in violation of Code section 2242. The
6 circumstances are as follows:

7 A. Paragraph 15 (A)-(C) of this First
8 Supplemental Accusation is realleged and incorporated by
9 reference as if set forth in full.

10 B. Respondent prescribed Xanax and Prozac for
11 A.Y. without a good faith examination and in the absence of
12 medical indication.

13 **SEVENTH CAUSE FOR DISCIPLINE**

14 (Prescribing to an Addict)

15 17. Respondent Phillip M. Milgram, M.D., is subject to
16 disciplinary action for unprofessional conduct as a result of his
17 prescribing to an addict within the meaning of section 2241. The
18 circumstances are as follows:

19 A. Paragraph 15 (A)-(C) of this Accusation is
20 realleged and incorporated by reference as if set
21 forth in full.

22 B. Respondent prescribed medications for A.Y.
23 at a point in time when he knew, or should have known,
24 she was addicted to other substances.

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26 ///

27 ///

1 EIGHTH CAUSE FOR DISCIPLINE

2 (Unlawful Use or Prescribing)

3 18. Respondent Phillip M. Milgram, M.D., is subject to
4 disciplinary action on account of the following:

5 A. During the summer of 1996, respondent was re-
6 organizing his practice for the purpose of selling it,
7 which was done in or about October 1996 to Dr. S-B.

8 B. On numerous occasions during that several
9 month period respondent went to his office "hung-over"
10 from drugs and/or alcohol. On one or more instances,
11 respondent had to be escorted by an employee to the
12 office of his therapist for help.

13 C. In July 1996 respondent refused to be
14 admitted for treatment at a facility in Chula Vista,
15 and threatened to kill himself.

16 D. During the latter part of 1996 respondent was
17 "out of it", and having difficulties performing his
18 medical responsibilities.

19 19. Respondent is subject to disciplinary action for
20 unprofessional conduct in that he unlawfully used, prescribed, or
21 administered to himself dangerous drugs and/or alcohol in such a
22 manner as to be dangerous or injurious to himself and to impair
23 his ability to practice medicine safely in violation of section
24 2239. The circumstances are as follows:

25 A. Paragraph 18 (A)-(D) of this Accusation is
26 realleged and incorporated by reference as if set forth in
27 full.

1 B. During the latter part of 1996 respondent
2 engaged in the practice of medicine in such a manner as to
3 be dangerous to himself and others in that he was under the
4 influence of drugs and/or alcohol.

5 **NINTH CAUSE FOR DISCIPLINE**

6 (Intoxication While Treating Patients)

7 20. Respondent Phillip M. Milgram, M.D., is subject to
8 disciplinary action for unprofessional conduct as a result of his
9 treating patients while intoxicated within the meaning of section
10 2280. The circumstances are as follows:

11 A. Paragraph 14 (A)-(D) of this Accusation is
12 realleged and incorporated by reference as if set
13 forth in full.

14 B. During the latter part of 1996 respondent
15 engaged in the practice of medicine in such a manner
16 as to be dangerous to himself and others in that he
17 was under the influence of drugs and/or alcohol.

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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 Board issue a decision:

5 1. Revoking or suspending Physician's and Surgeon's
6 Certificate No. A 35411, heretofore issued to respondent Phillip
7 M. Milgram, M.D.;

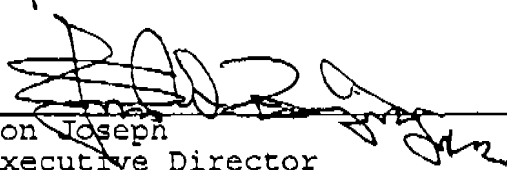
8 2. Revoking, suspending, or denying authority to
9 supervise Physician's Assistants;

10 3. Directing respondent Phillip M. Milgram, M.D., to
11 pay to the Board a reasonable sum for its investigative and
12 enforcement costs of this action; and

13 4. Ordering respondent, if placed on probation, to
14 pay the costs of probation monitoring; and

15 5. Taking such other and further action as the Board
16 deems appropriate to protect the public health, safety and
17 welfare.

18 DATED: 4/8/95

19
20 
21 Ron Joseph
22 Executive Director
23 Medical Board of California
24 Complainant

25 03573160-SD1998AD0197

26 c:\dat\medbd\Milgram.acc
27 SHZ:pll

EXHIBIT A

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 STEVEN H. ZEIGEN, [State Bar No. 60225]
Deputy Attorney General
3 Department of Justice
110 West A Street, Suite 1100
4 Post Office Box 85266
San Diego, California 92186-5266
5 Telephone: (619) 645-2074

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO *September 17 19 98*
BY *Daniel S. Marder* **ANALYST**

6 Attorneys for Complainant

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

11	In the Matter of the Accusation)	NOS.10-95-50617 (Primary)
12	Against:)	10-96-66874
)	10-96-66875
13	PHILLIP MARK MILGRAM, M.D.)	
	3150 N. Tenaya Way, Ste. 660)	
14	Las Vegas, NV. 89128)	ACCUSATION
)	
15	Physician's and Surgeon's)	
	Certificate No. A 35411)	
16)	
	Respondent.)	
)	

17
18
19

Complainant Ron Joseph, as cause for disciplinary
action, alleges:

PARTIES

21 1. Complainant Ron Joseph is the Executive Director
22 of the Medical Board of California ("Board") and makes and files
23 this accusation solely in his official capacity.

24 2. On or about June 23, 1980, Physician's and
25 Surgeon's Certificate No. A 35411 was issued by the Board to
26 Phillip M. Milgram, M.D. ("respondent"), and at all times
27 relevant herein, said Physician's and Surgeon's Certificate was

1 in full force and effect. It is currently in pending status,
2 having expired on May 31, 1998.

3 **JURISDICTION**

4 3. This accusation is made in reference to the
5 following statutes of the California Business and Professions
6 Code ("Code"):

7 A. Section 2227 provides that the Board may
8 revoke, suspend for a period not to exceed one year, or
9 place on probation and order the payment of probation
10 monitoring costs, the license of any licensee who has been
11 found guilty under the Medical Practice Act.

12 B. Section 2234 provides that unprofessional
13 conduct includes, but is not limited to, the following:

14 ". . . .

15 "(b) Gross negligence.

16 "(c) Repeated negligent acts.

17 "(d) Incompetence

18 ". . . ."

19 C. Section 2266 provides that the failure of a
20 physician and surgeon to maintain adequate and accurate
21 records relating to the provision of services to their
22 patients constitutes unprofessional conduct.

23 D. Section 125.3 provides, in part, that the
24 Board may request the administrative law judge to direct any
25 licentiate found to have committed a violation or violations
26 of the licensing act, to pay the Board a sum not to exceed
27 the reasonable costs of the investigation and enforcement of

1 the case.

2 4. Section 16.01 of the Budget Act of the
3 State of California provides, in pertinent part, that: (a) no
4 funds appropriated by this act may be expended to pay any Medi-
5 Cal claim for any service performed by a physician while that
6 physician's license is under suspension or revocation due to a
7 disciplinary action of the Medical Board of California; and, (b)
8 no funds appropriated by this act may be expended to pay any
9 Medi-Cal claim for any surgical service or other invasive
10 procedure performed on any Medi-Cal beneficiary by a physician if
11 that physician has been placed on probation due to a disciplinary
12 action of the Medical Board of California related to the
13 performance of that specific service or procedure on any patient,
14 except in any case where the board makes a determination during
15 its disciplinary process that there exist compelling
16 circumstances that warrant continued Medi-Cal reimbursement
17 during the probationary period.

18 **FIRST CAUSE FOR DISCIPLINE**

19 (Gross Negligence)

20 5. Respondent Phillip M. Milgram, M.D., is subject to
21 disciplinary action on account of the following:

22 Patient P. S.

23 A. P.S. was respondent's patient from December
24 1993 through November 1994. She complained to
25 respondent of pelvic pain on or about October 31, 1994,
26 two weeks after being diagnosed with possible pelvic
27 inflammatory disease and being given a ten day course

1 of Doxycycline by another physician.

2 B. Respondent gave the patient another course of
3 Doxycycline and an in office injection of Rocephin. No
4 blood work, sedimentation rate, or imaging studies were
5 ordered.

6 C. P.S. again saw respondent on November 7,
7 1994, at which time respondent's note indicates he discussed
8 a possible laparoscopy for pain with the patient.

9 D. A pre-operative examination was performed by
10 a nurse practitioner in respondent's office on or about
11 November 10, 1994. No discussion of surgery, nor any
12 consent forms are in respondent's patient records.

13 E. Respondent performed surgery on P.S. on or
14 about November 11, 1994, eleven days within her first
15 complaint of pain to respondent. It consisted of video
16 laser laparoscopy with uterine biopsy, lysis of
17 adhesions, laser ablation of the uterosacral ligaments,
18 chromotubation and coagulation of the round ligaments.
19 The hospital surgical consent form shows the patient
20 only consented to a video Yag laser laparoscopy with
21 lysis of adhesions and dye injection.

22 F. The video laparoscopy shows normal female
23 pelvic anatomy with no sign of endometriosis or pelvic
24 inflammatory disease. The fallopian tubes are patent
25 bilaterally.

26 H. The operative report was not done until four
27 months after the procedure at a time when P.S. had

1 ended her care with respondent and had gone to another
2 physician.

3 Patient C.M-R.

4 I. In December 1992 patient C.M-R. saw
5 respondent for the purpose of terminating a pregnancy
6 due to Accutane exposure. Respondent's notes indicate
7 there was a positive pregnancy test at another
8 physician's office. An ultrasound performed by
9 respondent did not document a viable gestational sac.
10 Nonetheless, respondent performed a dilatation and
11 curettage in his office that same day. Respondent
12 never ordered quantitative beta-hCG and CBC tests.

13 J. Pathology evaluation of the tissue showed no
14 pregnancy tissue and an ectopic pregnancy was
15 suspected. Patient C.M-R. was asymptomatic at that
16 point.

17 K. On or about December 12, 1992, respondent
18 performed an emergency laparoscopic procedure at Harbor
19 View Hospital. No ectopic pregnancy was found.

20 Patient C.C.

21 L. C.C. was respondent's patient who was 24
22 weeks gestation at the time respondent admitted her to
23 Harbor View Hospital on or about January 14, 1992,
24 complaining of right flank pain, low grade fever and
25 chills, nausea and vomiting.

26 M. An office urine culture was positive for
27 bacteria and one shot IVP showed a right urinary stone.

1 N. C.C. failed to respond to IV hydration and IV
2 antibiotic therapy, and had a cystoscopy with retrograde
3 pyelogram on January 17, 1992. Subsequently, premature
4 labor evolved.

5 O. C.C. was transferred to Paradise Valley
6 Hospital which did not provide emergency obstetrical
7 care. There she was diagnosed as having appendicitis
8 and immediately taken to surgery where the diagnosis
9 was confirmed. C.C.'s premature labor continued and
10 she delivered shortly after surgery an infant too
11 premature to survive.

12 6. Respondent is subject to disciplinary action for
13 unprofessional conduct in that he was grossly negligent in his
14 care and treatment of patients P.S. and C.M-R. in violation of
15 Code section 2234(b). The circumstances are as follows:

16 A. Paragraph 5 (A)-(K) of this Accusation is
17 realleged and incorporated by reference as if set forth in
18 full.

19 B. Despite patient P.S. having normal pelvic
20 anatomy, with no sign of endometriosis or pelvic
21 inflammatory disease, respondent performed an unnecessary
22 biopsy of the uterine fundus, an unnecessary laser lysis of
23 a suspensory peritoneal reflection of the sigmoid colon, an
24 unnecessary laser ablation of the uterosacral ligaments, and
25 an unnecessary coagulation of the round ligaments in an
26 attempt to antevert the uterus.

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1 C. Respondent failed to dictate the operative
2 report in a timely fashion, waiting, instead, four months
3 until dictating the report purportedly from memory, and
4 after P.S. had already voiced her displeasure with the
5 procedures.

6 D. Respondent failed to obtain and document the
7 fact P.S. consented to his performing the various surgical
8 procedures.

9 E. Respondent failed to draw a quantitative beta-
10 hCG and CBC after the sonogram and the dilatation and
11 curettage on patient C.M-R. showed no pregnancy tissue.
12 Rather than undertaking a careful, meticulous
13 evaluation required when there is a suspected ectopic
14 pregnancy, respondent rushed the C.M-R. into a surgery
15 which was not needed.

16 **SECOND CAUSE FOR DISCIPLINE**

17 (Repeated Negligent Acts)

18 7. Respondent is subject to disciplinary action for
19 unprofessional conduct in that he committed repeated negligent
20 acts in his care and treatment of patients P.S., C.M-R., and
21 C.C., in violation of Code section 2234(c). The circumstances
22 are set forth in paragraphs 5(A)-(O) and 6(A)-(E) of this
23 Accusation, which are incorporated by reference and realleged at
24 this point. The circumstances are as follows:

25 A. Despite patient P.S. having normal pelvic
26 anatomy, with no sign of endometriosis or pelvic
27 inflammatory disease, respondent performed an

1 unnecessary biopsy of the uterine fundus, an
2 unnecessary laser lysis of a suspensory peritoneal
3 reflection of the sigmoid colon, an unnecessary laser
4 ablation of the uterosacral ligaments, and an
5 unnecessary coagulation of the round ligaments in an
6 attempt to antevert the uterus.

7 B. Respondent failed to dictate the operative
8 report in a timely fashion, waiting, instead, four months
9 until dictating the report purportedly from memory, and
10 after P.S. had already voiced her displeasure with the
11 procedures.

12 C. Respondent failed to obtain and document the
13 fact P.S. consented to his performing the various surgical
14 procedures.

15 D. Respondent failed to draw a quantitative
16 beta-hCG and CBC after the sonogram and the dilatation
17 and curettage on patient C.M-R. showed no pregnancy
18 tissue. Rather than undertaking a careful, meticulous
19 evaluation required when there is a suspected ectopic
20 pregnancy, respondent rushed the C.M-R. into a surgery
21 which was not needed.

22 E. Respondent failed to perform an adequate
23 history and physical on patient C.C.

24 F. Despite C.C.'s being pregnant, respondent a
25 admitted her to a hospital which did not have the
26 necessary services available in case of an obstetrical
27 emergency.

1 **THIRD CAUSE FOR DISCIPLINE**

2 (Incompetence)

3 8. Respondent is subject to disciplinary action for
4 unprofessional conduct in that he was incompetent in his care and
5 treatment of patients P.S., C.M-R., and C.C., in violation of
6 Code section 2234(d). The circumstances are set forth in
7 paragraphs 5(A)-(O), paragraph 7(A)-(F) of this Accusation, which
8 are incorporated by reference and realleged at this point. The
9 circumstances are as follows:

10 A. Despite patient P.S. having normal pelvic
11 anatomy, with no sign of endometriosis or pelvic
12 inflammatory disease, respondent performed an
13 unnecessary biopsy of the uterine fundus, an
14 unnecessary laser lysis of a suspensory peritoneal
15 reflection of the sigmoid colon, an unnecessary laser
16 ablation of the uterosacral ligaments, and an
17 unnecessary coagulation of the round ligaments in an
18 attempt to antevert the uterus.

19 B. Respondent failed to dictate the operative
20 report in a timely fashion, waiting, instead, four months
21 until dictating the report purportedly from memory, and
22 after P.S. had already voiced her displeasure with the
23 procedures.

24 C. Respondent failed to obtain and document the
25 fact P.S. consented to his performing the various surgical
26 procedures.

27 \\\

1 D. Respondent failed to draw a quantitative
2 beta-hCG and CBC after the sonogram and the dilatation
3 and curettage on patient C.M-R. showed no pregnancy
4 tissue. Rather than undertaking a careful, meticulous
5 evaluation required when there is a suspected ectopic
6 pregnancy, respondent rushed the C.M-R. into a surgery
7 which was not needed.

8 E. Respondent failed to perform an adequate
9 history and physical on patient C.C.

10 F. Despite C.C.'s being pregnant, respondent a
11 admitted her to a hospital which did not have the
12 necessary services available in case of an obstetrical
13 emergency.

14 **FOURTH CAUSE FOR DISCIPLINE**

15 (Failure to Maintain Accurate and Adequate Medical Records)

16 9. Respondent is subject to disciplinary action for
17 unprofessional conduct in that he failed to maintain adequate and
18 accurate medical records in his care and treatment of patients
19 P.S. and C.C., in violation of Code section 2266. The
20 circumstances are set forth as follows:

21 A. Respondent failed to adequately, and in a
22 timely fashion document the various surgical procedures
23 he performed on P.S., delaying four months before
24 completing his operative report from memory.

25 B. Respondent failed to document an adequate
26 history and physical on patient C.C. at the time of
27 admission to the hospital.

1 **FIFTH CAUSE FOR DISCIPLINE**

2 (Excessive Prescribing or Treatment)

3 10. Respondent is subject to disciplinary action for
4 unprofessional conduct in that he failed to provided excessive
5 treatment in his care of patients P.S., and C.M-R., in violation
6 of Code section 725. The circumstances are set forth as follows:

7 A. Respondent performed unnecessary surgical
8 procedures on P.S. on or about November 11, 1994, as
9 alleged in paragraphs 5 (E)-(F) and 6(B), which are
10 incorporated by reference herein.

11 B. Respondent performed unnecessary surgical
12 procedures on C.M-R. on or about December 12, 1992, as
13 alleged in paragraphs 5(I)-(K) and 6(E), which are
14 incorporated by reference herein.

15 **PRAYER**

16 WHEREFORE, the complainant requests that a hearing be
17 held on the matters herein alleged, and that following the
18 hearing, the Board issue a decision:

19 1. Revoking or suspending Physician's and Surgeon's
20 Certificate No. A 35411, heretofore issued to respondent Phillip
21 M. Milgram, M.D.;

22 2. Revoking, suspending, or denying authority to
23 supervise Physician's Assistants;

24 3. Directing respondent Phillip M. Milgram, M.D., to
25 pay to the Board a reasonable sum for its investigative and
26 enforcement costs of this action; and


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4. Ordering respondent, if placed on probation, to pay the costs of probation monitoring; and

5. Taking such other and further action as the Board deems appropriate to protect the public health, safety and welfare.

DATED: September 17, 1998



Douglas Lane
Deputy Director
for

Ron Joseph
Executive Director
Medical Board of California

Complainant

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