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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:)

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)

CLARENCE ANDREW FEAGIN, M.D.)

File No. 12 2002 133385

)

Physician's and Surgeon's)

Certificate No. G 56398)

)

Respondent.)

)

DECISION

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

This Decision shall become effective at 5:00 p.m. on April 5, 2004.

IT IS SO ORDERED March 29, 2004.

MEDICAL BOARD OF CALIFORNIA

By: 

Lorie G. Rice, Chair

Panel A

Division of Medical Quality

1 BILL LOCKYER, Attorney General
of the State of California
2 VIVIEN H. HARA
Supervising Deputy Attorney General
3 THOMAS P. REILLY, State Bar No. 110990
Deputy Attorney General
4 California Department of Justice
1515 Clay Street, Suite 2000
5 Post Office Box 70550
Oakland, California 94612-0550
6 Telephone: (510) 622-2224
Facsimile: (510) 622-2121

7 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

13 CLARENCE ANDREW FEAGIN, M.D.
120 Broadway Avenue, Suite 21
14 Richmond, California 94804

15 Physician and Surgeon Certificate No. G 56398

16 Respondent.

Case No. 12 2002 133385

OAH No. N2003 120581

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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

19 PARTIES

20 1. At the time this action was initiated, Ron Joseph was the Executive
21 Director of the Medical Board of California. He brought this action solely in his official
22 capacity. Joyce Hadnot has recently been appointed Acting Executive Director of the Medical
23 Board of California. Ms. Hadnot is now the complainant in this action and she is represented in
24 this matter by Bill Lockyer, Attorney General of the State of California, by Thomas P. Reilly,
25 Deputy Attorney General.

26 2. Respondent Clarence Andrew Feagin, M.D. ("Respondent") is represented
27 in this matter by Edward A. Hinshaw of the law firm, Hinshaw, Draa, Marsh, Still & Hinshaw,
28 12901 Saratoga Avenue, Saratoga, California 95070-9998.

1 3. Respondent has received and read the Accusation which is presently on
2 file and pending in case number 12-2002-133385 before the Board, a copy of which is attached
3 as Exhibit A.

4 4. Respondent has carefully read, fully discussed with counsel, and
5 understands the charges and allegations in Accusation No. 12-2002-133385. Respondent also
6 has carefully read, fully discussed with counsel, and understands the effects of this Stipulated
7 Surrender of License and Order.

8 5. Respondent is fully aware of his legal rights in this matter, including the
9 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
10 counsel at his own expense; the right to confront and cross-examine the witnesses against him;
11 the right to present evidence and to testify on his own behalf; the right to the issuance of
12 subpoenas to compel the attendance of witnesses and the production of documents; the right to
13 reconsideration and court review of an adverse decision; and all other rights accorded by the
14 California Administrative Procedure Act and other applicable laws.

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

17 7. Respondent agrees that cause exists to discipline his physician and
18 surgeon's certificate pursuant to Business and Professions Code sections 2234. This license has
19 been suspended since May 15, 2002 and is currently expired.

20 8. Respondent understands that by signing this stipulation he is enabling the
21 Medical Board of California to issue its order accepting the surrender of license without further
22 process. He understands and agrees that Board staff and counsel for complainant may
23 communicate directly with the Board regarding this stipulation, without notice to or participation
24 by respondent or his counsel. In the event that this stipulation is rejected for any reason by the
25 Board, it will be of no force or effect for either party. The Board will not be disqualified from
26 further action in this matter by virtue of its consideration of this stipulation.

27 9. Upon acceptance of this stipulation by the Board, respondent understands
28 that he will not be permitted to practice as a physician and surgeon in California, and also agrees

1 to surrender and cause to be delivered to the Board any license and wallet certificate in his
2 possession before the effective date of the decision.

3 10. The admissions made by Respondent herein are only for the purposes of
4 this proceeding, or any other proceedings in which the Medical Board or other professional
5 licensing agency is involved, and shall not be admissible in any other criminal or civil
6 proceeding.

7 11. Respondent expressly agrees that he will not seek to renew his certificate,
8 to seek reinstatement of his certificate, or to seek relicensure in the State of California for at least
9 three years from the effective date of the decision and that any such application shall be deemed a
10 petition for reinstatement of the certificate under Business and Professions Code section 2307.

11 12. Respondent fully understands and agrees that if he ever files an
12 application for relicensure or reinstatement in the State of California, the Board shall treat it as a
13 petition for reinstatement, and respondent must comply with all laws, regulations and procedures
14 for reinstatement of a revoked license in effect at the time the petition is filed.

15 13. Respondent understands that in the event he files a petition for
16 reinstatement, information gathered in connection with Accusation number 12-2002-133385 may
17 be considered by the Division of Medical Quality in determining whether or not to grant the
18 petition for reinstatement. For the purposes of the reinstatement hearing, the allegations in
19 Accusation number 12-2002-133385 shall be deemed to be admitted by respondent. In the event
20 that respondent files a petition for reinstatement, these admissions shall be deemed to have been
21 made only for the purposes of that reinstatement petition proceeding and shall not be admissible
22 in any other criminal or civil proceeding. Respondent waives any and all defenses based on a
23 claim of laches or the statute of limitations.

24 14. In consideration of respondent's agreement to surrender his certificate,
25 complainant agrees to waive her claim for the costs of investigation and prosecution of this
26 disciplinary action. Respondent understands and agrees that payment of these costs shall be a
27 condition of reinstatement should he file a petition for reinstatement of his certificate.


28 15. The parties understand and agree that facsimile copies of this Stipulated

1 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
2 and effect as the originals.
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1 ACCEPTANCE


2 I have carefully read the above stipulation and have fully discussed it with my
3 attorney Edward A. Hinshaw. I enter into it freely and voluntarily and with full knowledge of its
4 force and effect and do hereby surrender my Physician and Surgeon's Certificate Number
5 G56398 to the Division of Medical Quality, Medical Board of California, for its formal
6 acceptance. By signing this stipulation to surrender my license, I recognize that upon its formal
7 acceptance by the Board, I will lose all rights and privileges to practice as a physician and
8 surgeon in the State of California and I also will cause to be delivered to the Board any license
9 and wallet certificate in my possession before the effective date of the decision.

10 DATED: 2/28/07

11 
12 CLARENCE ANDREW FEAGIN, M.D.
13 Respondent

14 I have fully read and discussed with respondent Clarence Andrew Feagin, M.D.
15 the provisions of this Stipulated Surrender of License. I approve its form and content.

16 DATED: 3-4-07

17 
18 EDWARD A. HINSHAW
19 Hinshaw, Draa, Marsh, Still & Hinshaw
20 Attorneys for Respondent

21 ENDORSEMENT

22 The foregoing Stipulated Surrender of License and Order is hereby respectfully
23 submitted for consideration by the Division of Medical Quality, Medical Board of California.

24 DATED: MARCH 8, 2007

25
26 BILL LOCKYER, Attorney General
27 of the State of California

28 
THOMAS P. REILLY
Deputy Attorney General

Attorneys for Complainant

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Exhibit A:
Accusation in Case No. 12-2002-133385

1 BILL LOCKYER, Attorney General
of the State of California
2 VIVIEN H. HARA
Supervising Deputy Attorney General
3 THOMAS P. REILLY
State Bar No. 110990
4 Deputy Attorney General
California Department of Justice
5 1515 Clay Street, Suite 2000
Post Office Box 70550
6 Oakland, California 94612-0550
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BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 12 2002 133385

14 CLARENCE ANDREW FEAGIN, M.D.
120 Broadway Avenue, Suite 21
15 Richmond, California 94804

16 Physician and Surgeon Certificate No. G 56398

ACCUSATION

17 Respondent.

18 Complainant Ronald Joseph alleges:

PARTIES

- 20 1. Ronald Joseph ("complainant") brings this accusation solely in his official
21 capacity as the Executive Director of the Medical Board of California ("board").
- 22 2. On November 18, 1985, the board issued Physician and Surgeon
23 Certificate No. G 56398 to Clarence Andrew Feagin, Jr. ("respondent") and at all times relevant
24 to the charges brought in this accusation, this license has been in full force and effect. By
25 operation of law, this license expired on September 24, 2003 due to failure to make court-ordered
26 family support payments and it has not been renewed. As more fully explained below, this
27 license has been suspended under Penal Code section 23 since May 15, 2002 and under
28 Government Code section 11524 since July 12, 2002. It remains suspended as of the date of

1 issuance of this accusation.

2 JURISDICTION

3 3. This Accusation is brought before the board, under the authority of the
4 following sections of the Business and Professions Code.¹

5 A. Section 2227 of the Code provides that a licensee who is found guilty
6 under the Medical Practice Act may have his or her license revoked, or suspended for a period
7 not to exceed one year, be placed on probation and required to pay the costs of probation
8 monitoring, or have such other action taken in relation to discipline as the Division of Medical
9 Quality of the board ("division") deems proper.

10 B. Section 2234 of the Code provides, in pertinent part, that the division
11 "shall take action against any licensee who is charged with unprofessional conduct. In addition
12 to other provisions of this article, unprofessional conduct includes, but is not limited to, the
13 following:

14 (a) Violating or attempting to violate, directly or indirectly, or assisting in or
15 abetting the violation of, or conspiring to violate, any provision of this chapter.

16 (b) Gross negligence.

17 (c) Repeated negligent acts. . . .

18 (d) Incompetence.

19 (e) The commission of any act involving dishonesty or corruption which is
20 substantially related to the qualifications, functions, or duties of a physician and surgeon.

21 (f) Any action or conduct which would have warranted the denial of a
22 certificate: . . . "

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

27
28 1. All statutory references are to the Business and Professions Code unless otherwise indicated.

1 investigation and enforcement of the case.

2 D. Section 480 of the Code states:

3 “(a) A board may deny a license regulated by this code on the grounds that the
4 applicant has one of the following:

5 (1) Been convicted of a crime. A conviction within the meaning of this section
6 means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action
7 which a board is permitted to take following the establishment of a conviction may be taken
8 when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal,
9 or when an order granting probation is made suspending the imposition of sentence, irrespective
10 of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

11 (2) Done any act involving dishonesty, fraud or deceit with the intent to
12 substantially benefit himself or another, or substantially injure another; or

13 (3) Done any act which if done by a licensee of the business or profession in
14 question, would be grounds for suspension or revocation of license.

15 The board may deny a license pursuant to this subdivision only if the crime or act
16 is substantially related to the qualifications, functions or duties of the business or profession for
17 which application is made.

18 (b) Notwithstanding any other provision of this code, no person shall be denied a
19 license solely on the basis that he has been convicted of a felony if he has obtained a certificate of
20 rehabilitation under Section 4852.01 and following of the Penal Code or that he has been
21 convicted of a misdemeanor if he has met all applicable requirements of the criteria of
22 rehabilitation developed by the board to evaluate the rehabilitation of a person when considering
23 the denial of a license under subdivision (a) of Section 482.

24 (c) A board may deny a license regulated by this code on the ground that the
25 applicant knowingly made a false statement of fact required to be revealed in the application for
26 such license.”

27 E. Section 726 of the Code provides, in pertinent part: “The commission of
28 any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes

1 unprofessional conduct and grounds for disciplinary action for any person licensed under this
2 division. . . .”

3 F. Section 2236 of the Code states:

4 “(a) The conviction of any offense substantially related to the qualifications,
5 functions, or duties of a physician and surgeon constitutes unprofessional conduct within the
6 meaning of this chapter. The record of conviction shall be conclusive evidence only of the fact
7 that the conviction occurred.

8 (b) The district attorney, city attorney, or other prosecuting agency shall notify the
9 Division of Medical Quality of the pendency of an action against a licensee charging a felony or
10 misdemeanor immediately upon obtaining information that the defendant is a licensee. The
11 notice shall identify the licensee and describe the crimes charged and the facts alleged. The
12 prosecuting agency shall also notify the clerk of the court in which the action is pending that the
13 defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds
14 a license as a physician and surgeon.

15 (c) The clerk of the court in which a licensee is convicted of a crime shall, within
16 48 hours after the conviction, transmit a certified copy of the record of conviction to the board.
17 The division may inquire into the circumstances surrounding the commission of a crime in order
18 to fix the degree of discipline or to determine if the conviction is of an offense substantially
19 related to the qualifications, functions, or duties of a physician and surgeon.

20 (d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is
21 deemed to be a conviction within the meaning of this section and Section 2236.1. The record of
22 conviction shall be conclusive evidence of the fact that the conviction occurred.”

23 G. Section 2238 of the Code states: “A violation of any federal statute or
24 federal regulation or any of the statutes or regulations of this state regulating dangerous drugs or
25 controlled substances constitutes unprofessional conduct.”

26 H. Section 2261 of the Code states: “Knowingly making or signing any
27 certificate or other document directly or indirectly related to the practice of medicine or podiatry
28 which falsely represents the existence or nonexistence of a state of facts, constitutes

1 unprofessional conduct.”

2 I. Section 2306 of the Code states: “If a licensee's right to practice medicine
3 is suspended, he or she shall not engage in the practice of medicine during the term of such
4 suspension. Upon the expiration of the term of suspension, the certificate shall be reinstated by
5 the Division of Medical Quality, unless the licensee during the term of suspension is found to
6 have engaged in the practice of medicine in this state. In that event, the division shall revoke the
7 licensee's certificate to engage in the practice of medicine.”

8 J. Section 2354 of the Code provides that each physician who requests
9 participation in a diversion program shall agree to cooperate with the treatment program designed
10 by a committee. Any failure to complete successfully a treatment program or an acceptable
11 substitute program may result in the filing of an accusation for discipline which may include any
12 acts giving rise to the original diversion.

13 4. Welfare and Institutions Code section 14124.12 provides, in part, that a
14 physician whose license has been placed on probation by the Medical Board shall not be
15 reimbursed by Medi-Cal for "the type of surgical service or invasive procedure that gave rise to
16 the probation."

17 **FIRST CAUSE FOR DISCIPLINE**

18 (Sexual Abuse of a Patient)

19 5. Patient D.S.² suffered an on-the-job injury to her lower back on November
20 24, 1999. She began to consult Dr. David Wren, Jr. in connection with this injury in December
21 2000.

22 6. Patient D.S. first encountered respondent on February 15, 2001. On that
23 date, she had an appointment with Dr. Wren and she was seen by respondent instead.
24 Respondent made a suggestive comment to her.

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2. The patients and other victims discussed in this accusation are referred to by initials to protect their and their family's privacy. Respondent knows their names and may confirm them through discovery.

1 7. She next saw respondent on March 8, 2001. On that occasion, she again
2 went to Dr. Wren's office about her back injury. On this occasion, respondent hugged her
3 without warning or invitation.

4 8. On March 14, 2001, D.S. underwent disk surgery at Doctors' Hospital in
5 Richmond. Respondent assisted in the surgery.

6 9. Shortly after her operation, respondent visited D.S. in her hospital room.
7 During this visit, he made suggestive comments about her pubic area, observing that it had been
8 shaven. After this, D.S. insisted on being allowed to wear shorts and a tank top while in the
9 hospital.

10 10. Several days after her discharge from the hospital on March 19, 2001, D.S.
11 telephoned Dr. Wren's office and told the woman she spoke to that she was experiencing pain.
12 Shortly afterward, she received a phone call from respondent who asked if she could come to the
13 office. She said she had no transportation. Twenty minutes later, respondent arrived at the
14 house.

15 11. After D.S. admitted him into the house, respondent examined her back,
16 made sexually suggestive comments, and then pushed her up against a kitchen counter. He held
17 her arms and pulled down her pants and underwear. She could feel his erect penis against her
18 back. Eventually, she broke free and demanded that respondent leave the house. Behaving as if
19 nothing unusual had happened, respondent took a banana he saw in the kitchen and left.

20 12. The next day, respondent telephoned D.S. and said they needed to talk and
21 that he was coming over. D.S. immediately went to the front door to lock it. As she attempted to
22 get the door locked, D.S. opened it and discovered respondent on the doorstep. He forced his
23 way into the house and badgered D.S. into showing him where she showered. In the bathroom,
24 respondent lifted D.S.'s shirt up, exposing her breasts. D.S. tried to pull her shirt down, but
25 respondent repeatedly attempted to lift it up. As he tried to pull up her shirt, respondent forced
26 D.S. into the shower.

27 13. D.S. was able to escape from the bathroom. Respondent then told her he
28 wanted a fling. He implied that he could help her with her workers' compensation claim if she

1 had sex with him. D.S. finally persuaded respondent to leave by saying her grandmother was
2 coming home. Respondent left but within 20 minutes he telephoned D.S. and gave her his cell
3 phone number.

4 14. After this, respondent repeatedly telephoned D.S. leaving messages like
5 "D_____, this is Clarence, call me back." D.S. never returned these calls.

6 15. Following these encounters, D.S. attempted to avoid respondent as much
7 as possible and asked friends to accompany her to medical appointments.

8 16. On or about March 9, 2002, D.S. went to the emergency room at Doctors'
9 Hospital because of stomach pain. Respondent examined her. During this examination he
10 repeatedly touched her breasts.

11 17. D.S. was last examined by respondent on April 8, 2002. She was
12 accompanied by a friend. During this visit, respondent made suggestive comments, kept his hand
13 on her inner thigh, and repeatedly brushed against and touched her breast.

14 18. On March 21, 2002, D.S. received medical benefits through Medi-Cal. No
15 longer fearing that respondent could affect her ability to obtain health care coverage, she spoke
16 with her pastor and her attorney about respondent and filed a police report on April 29, 2002.

17 19. Respondent's treatment of patient D.S. constitutes sexual abuse of a
18 patient, unprofessional conduct, acts of corruption substantially related to the qualifications,
19 functions, and duties of a physician and surgeon, and conduct which would have warranted
20 denial of a license.

21 20. Therefore, cause for disciplinary action exists pursuant to Business and
22 Professions Code sections 726, 2234, 2234(e), and 2234(f).

23 **SECOND CAUSE FOR DISCIPLINE**

24 (Conviction of Crimes Related to the

25 Qualifications, Functions, and Duties of a Physician and Surgeon)

26 21. In connection with the acts described in paragraphs 5 through 17,
27 respondent was arrested on May 6, 2002. On May 9, 2002 a 15-count criminal complaint was
28 filed against respondent in Contra Costa County Superior Court.

1 22. On September 23, 2002, after a jury trial, respondent was convicted of two
2 misdemeanor counts of battery in violation of Penal Code section 242 and one misdemeanor
3 count of assault in violation of Penal Code section 240.

4 23. Therefore, cause for disciplinary actions exists pursuant to Business and
5 Professions Code sections 2234 and 2236(a).

6 **THIRD CAUSE OF ACTION**

7 (Practice on a Suspended License, Dishonesty)

8 24. In connection with the criminal charges brought against respondent, the
9 Honorable John W. Kennedy of the Superior Court of California, County of Contra Costa issued
10 an order under the authority of Penal Code section 23 on May 15, 2002 prohibiting respondent
11 from practicing medicine.

12 25. In pertinent part, this order explicitly prohibited respondent from:

- 13 “(a) Practicing or attempting to practice as a physician and surgeon, and
14 (b) Possessing, prescribing, dispensing, furnishing, administering, or
15 otherwise distributing any controlled substance or any dangerous
16 drug, except for personal use pursuant to a legitimate prescription
17 issued by another California physician.”

18 26. By its terms, this order remained in effect “until further order of a court.”
19 No order rescinding this suspension has been issued to date.

20 27. On July 12, 2002, Administrative Law Judge Melissa G. Crowell issued an
21 interim suspension order prohibiting respondent from practicing medicine. In pertinent part, that
22 order prohibited respondent from:

- 23 “(a) Practicing or attempting to practice as a physician and surgeon;
24 (b) Possessing, prescribing, dispensing, furnishing, administering, or
25 otherwise distributing any controlled substance or any dangerous
26 drug; and
27 (c) Possessing or holding any and all triplicates and regular
28 prescription blanks, Drug Enforcement Administration Drug Order

1 Forms, and any and all Drug Enforcement Administration permits,
2 which documents shall be surrendered by him to the Medical
3 Board pending adjudication of this matter.”

4 As of the date of this accusation, this order remains in full force and effect.

5 28. Notwithstanding these two suspension orders, after May 15, 2002 and after
6 July 12, 2002 respondent engaged in the practice of medicine and retained and was compensated
7 for positions requiring the possession of a valid medical license.

8 29. Specifically, respondent served as and received compensation for serving
9 as the medical director for two medical transportation firms, Bay Medic Ambulance Service of
10 Concord and California Medical Transport of Mountain View, at all times from May 2002 until
11 March 2003.

12 30. Both positions required possession of a valid license to practice medicine
13 and in both positions respondent was responsible for authorizing orders of dangerous drugs and
14 controlled substances.

15 31. During the period from May 15, 2002 through March 3, 2003, Bay Medic
16 Ambulance Service ordered and obtained dangerous drugs and controlled substances under
17 respondent’s authority.

18 32. In addition, respondent was responsible for providing quality assurance for
19 Bay Medic Ambulance Service through inspection of medical records, training, and on-site
20 inspections. He received compensation for the performance of these functions at least through
21 January 2003.

22 33. In January 2003, respondent furnished Bay Medic Ambulance Service
23 with a curriculum vitae stating that he was currently on staff at Doctors’ Medical Center, San
24 Pablo and was engaged in the practice of orthopedic medicine with Dr. David Wren, Inc. in
25 Richmond. Complainant believes and alleges these statements were false, since respondent’s
26 license to practice medicine in California was suspended at the time.

27 34. Respondent’s actions in continuing to serve as and to receive
28 compensation for serving as medical director of two medical transport companies and his

1 allowing his Drug Enforcement Administration permit and his status as a licensed physician to be
2 used to obtain prescription drugs constitute the practice of medicine on a suspended license. If
3 the representations on his curriculum vitae regarding practice with Dr. Wren and being on staff at
4 Doctors' Hospital in 2003 are true, they also indicate practice on a suspended license. If they are
5 false, they constitute an act of dishonesty substantially related to the qualifications, functions, and
6 duties of a physician and surgeon and the making of a false document related to the practice of
7 medicine.

8 35. Therefore, cause exists for disciplinary action pursuant to Business and
9 Professions Code sections 2306 and/or 2234(e) and 2261.

10 **FOURTH CAUSE FOR DISCIPLINE**

11 (Violation of Drug Laws, Practicing Medicine on a
12 Suspended License, Unprofessional Conduct)

13 36. During March or April 2003, respondent visited the apartment of his 18-
14 year-old son, C.A.F., and left a bottle of dangerous drugs with his son's apartment mate saying,
15 "He needs to take these."

16 37. These drugs were in a prescription drug container indicating that they were
17 Celexa, an anti-depressant. The container further indicated they were prescribed, not for
18 respondent's son, but for respondent's ex-wife, L.W.

19 38. This conduct constitutes dispensation of prescription medication in
20 violation of Health and Safety Code section 11152 and Business and Professions Code section
21 4077.

22 39. This conduct also constitutes the practice of medicine on a suspended
23 license and violation of both the suspension order issued by Judge Kennedy and the interim
24 suspension order issued by Administrative Law Judge Crowell.

25 40. Therefore, cause for discipline exists pursuant to Business and Professions
26 Code sections 2234, 2234(e), 2234(f), 2238, and 2306.

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FIFTH CAUSE FOR DISCIPLINE

(Mental or Physical Illness Affecting Ability to Practice Medicine Safely)

41. In 1989, respondent suffered a criminal conviction for giving false information to a peace officer in violation of Penal Code section 148.9. This stemmed from a July 1989 incident in which respondent was arrested on a charge of furnishing alcohol to a minor after being found in a parked car with a 17-year-old girl and an open bottle of wine. At that time, respondent was 33 years old.

42. In 1995, respondent allegedly importuned a medical records representative at Sonoma Valley Hospital to have sex with him. Several times that year, he allegedly grabbed this woman and touched her breasts and her crotch through her clothing. On one occasion, he physically pinned her against a wall while inviting her to have sex. This woman filed a civil suit against respondent, which was settled in 1998.

43. An x-ray technician at the same hospital charged that, in March 1995, respondent threw her on a bed in the doctors' sleeping lounge and put his hand down the front of her pants.

44. A third woman met respondent when she went to the emergency room at Sonoma Valley Hospital for treatment in 1993. She complained that he spoke to her in a flirtatious and inappropriate manner in the emergency room. He later telephoned her to ask her out, and he subsequently turned up at her house at a Christmas party to which he had not been invited.

45. After these incidents, respondent was asked to and did resign his privileges at Sonoma Valley Hospital.

46. On May 3, 1996, respondent was arrested on charges of rape and oral copulation on a victim unconscious of the nature of the act. This arrest was based upon complaints made by two women, J.M. and C.M. Both women charged that respondent had raped and orally copulated them after a night of drinking and smoking marijuana together. Respondent was found not guilty by a jury of these charges. In a 1999 interview with Board personnel, however, he admitted to drinking, smoking marijuana, and "heavy petting" in connection with

1 this incident.

2 47. On the basis of these incidents and arrests, the Board conducted an
3 investigation on respondent beginning in 1996. During that investigation, respondent submitted
4 to a psychiatric evaluation in 1999. The evaluating psychiatrist determined that respondent
5 suffered from intermittent alcohol and cannabis abuse and that he exhibited narcissistic and anti-
6 social personality traits which were intensified by substance abuse. The psychiatrist also noted
7 that respondent was "intermittently prone to lapses in judgement regarding boundaries in the
8 sexual arena" and that he exhibited a "disregard for the truth" and an "inability and unwillingness
9 to see himself as capable of abusing the power differential that exists between himself as a
10 physician and others." He concluded that respondent posed "a moderate danger to the public and
11 his patients on the basis of psychological forces that are currently out of his awareness and
12 control."

13 48. In August 1999, respondent requested admission to the Board's Diversion
14 Program for impaired physicians. He was accepted into the Diversion Program and signed an
15 agreement to comply with program requirements on November 3, 1999.

16 49. Since that date:

17 - Respondent was expelled from the Diversion Program for non-
18 compliance with program requirements on July 9, 2002.

19 - Respondent was arrested, tried, and convicted of assaulting and battering
20 a patient in 2001 and 2002 as alleged in the First and Second Causes for Disciplinary Action.

21 - Another female patient, K.V., filed a report with the Richmond Police
22 Department alleging that respondent made sexually suggestive comments and physical overtures
23 to her during medical examinations in 2000 and 2001.

24 - In April 2002, a 34-year old woman filed a complaint with the Cotati
25 Police Department alleging that respondent had sexually assaulted her after placing a drug in her
26 drink causing her to black out. In an interview with police, respondent described this encounter
27 as "consensual" and said he thought the woman was "a hooker."

28 50. These facts indicate that respondent suffers from a mental and/or physical

1 condition that makes him dangerous to patients, and specifically young female patients.
2 Therefore, cause for disciplinary action exists pursuant to Business and Professions Code section
3 822.

4 SIXTH CAUSE FOR DISCIPLINE

5 (Failure to Comply With and Complete Diversion Program Requirements)

6 51. As noted above, respondent applied for and entered into the Diversion
7 Program in 1999.

8 52. He did not complete the program and was expelled from it in July 2002 for
9 non-compliance with program requirements.

10 53. Therefore, cause for disciplinary action exists pursuant to Business and
11 Professions Code section 2354.

12 DISCIPLINE CONSIDERATIONS

13 54. In determining the degree of discipline, if any, to be imposed on
14 respondent, complainant requests that consideration be given to respondent's record of criminal
15 convictions, his continued pattern of predatory sexual behavior, his failure to comply with
16 Diversion Program requirements and to complete diversion, his failure to abide by two
17 suspension orders prohibiting him from practicing medicine, and the fact that his license has
18 expired by operation of law pursuant to the provisions of Family Code section 17520 for failure
19 to make child or family support payments.

20 PRAYER

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein
22 alleged, and that following the hearing, the Division of Medical Quality of the Medical Board
23 issue a decision:

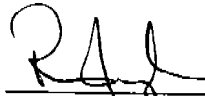
24 1. Revoking or suspending Physician's and Surgeon's Certificate Number
25 G 56398 issued to Clarence Andrew Feagin, M.D.;

26 2. Ordering respondent to pay the division the reasonable costs of the
27 investigation and enforcement of this case, and, if placed on probation, the costs of probation
28 monitoring;

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3. Prohibiting respondent from supervising physician assistants;
4. Taking such other and further action as deemed necessary and proper.

DATED: December 4, 2003



RONALD JOSEPH
Executive Director
Medical Board of California