

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

In the Matter of the Accusation)	
Against:)	
)	
)	
CRAIG ALAN BITTNER, M.D.)	Case No. 06-2007-187522
)	
Physician's and Surgeon's)	
Certificate No. A53795)	
)	
Respondent.)	
_____)	

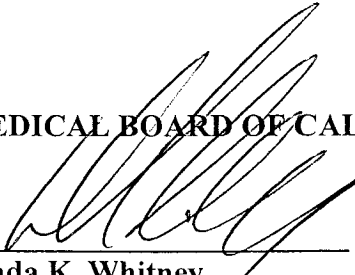
DECISION

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

This Decision shall become effective at 5:00 p.m. on October 14, 2011.

IT IS SO ORDERED October 7, 2011.

MEDICAL BOARD OF CALIFORNIA

By: 

Linda K. Whitney
Executive Director

1 KAMALA D. HARRIS
Attorney General of California
2 THOMAS S. LAZAR
Supervising Deputy Attorney General
3 SANFORD H. FELDMAN
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8 *Attorneys for Complainant*

9
10 **BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

11
12 In the Matter of the Accusation Against:

Case No. 06-2007-187522

13 **CRAIG ALAN BITTNER, M.D.**
14 **11835 W. Olympic Blvd. #925**
Los Angeles, CA 90064

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Physician's and Surgeon's**
16 **Certificate No. No. A 53795**

17 Respondent.

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 **PARTIES**

21 1. Linda K. Whitney (Complainant) is the Executive Director of the Medical Board of
22 California. She brought this action solely in her official capacity and is represented in this matter
23 by Kamala D. Harris, Attorney General of the State of California, by Sanford H. Feldman,
24 Deputy Attorney General.

25 2. CRAIG ALAN BITTNER, M.D. (Respondent) is represented in this proceeding by
26 attorney Fenton Nelson, LLP, by Benjamin Fenton, Esq., whose address is 11835 W. Olympic
27 Blvd., 9th Floor, Los Angeles, CA 90064.

28 ///

3. On or about December 21, 1994, the Medical Board of California issued Physician's and Surgeon's Certificate No. A 53795 to CRAIG ALAN BITTNER, M.D. (Respondent). Physician's and Surgeon's Certificate No A 53795 was in full force and effect at all times relevant to the charges brought in Accusation No. 06-2007-187556 and will expire on May 31, 2012, unless renewed.

JURISDICTION

4. Accusation No. 06-2007-187556 was filed before the Medical Board of California (Board), Department of Consumer Affairs, State of California, and is currently pending against Respondent. True and correct copies of the Accusation and all other statutorily required documents were properly served on Respondent on May 13, 2011. Respondent timely filed his Notice of Defense contesting the Accusation. A true and correct copy of Accusation No. 06-2007-187556 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 06-2007-187556. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

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

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

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1 CULPABILITY

2 8. Respondent admits that he aided and abetted the unlicensed practice of medicine in
3 violation of Business and Professions Code section 2264 as alleged in the Third Cause for
4 Discipline in Accusation No. 06-2007-187556, agrees that cause exists for discipline and hereby
5 surrenders his Physician's and Surgeon's Certificate No. A 53795 for the Board's formal
6 acceptance.

7 9. Respondent understands that by signing this stipulation he enables the Board to issue
8 an order accepting the surrender of his Physician's and Surgeon's Certificate No. A 53795 without
9 further process.

10 CONTINGENCY

11 10. This stipulation shall be subject to approval by the Executive Director on behalf of
12 the Board. Respondent understands and agrees that counsel for Complainant and the staff of the
13 Board may communicate directly with the Executive Director regarding this stipulation and
14 surrender, without notice to or participation by Respondent or his counsel. By signing the
15 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
16 to rescind the stipulation prior to the time the Executive Director acts upon it. If the
17 Executive Director fails to adopt this stipulation as the Board's Decision and Order, the Stipulated
18 Surrender of License and Order shall be of no force or effect, except for this paragraph, it shall be
19 inadmissible in any legal action between the parties, and neither the Executive Director or the
20 Board shall not be disqualified from further action by having considered this matter.

21 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of
22 License and Order, including facsimile signatures thereto, shall have the same force and effect as
23 the originals.

24 12. In consideration of the foregoing admissions and stipulations, the parties agree that
25 the Board may, without further notice or formal proceeding, issue and enter the following Order:

26 ORDER

27 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 53795, issued
28 to Respondent CRAIG ALAN BITTNER, M.D., is surrendered and accepted by the Board.

13. The surrender of Respondent's Physician's and Surgeon's Certificate No. A 53795 and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

14. Respondent shall lose all rights and privileges as a Physician and Surgeon in California as of the effective date of the Board's Decision and Order.

15. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

16. If he ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 06-2007-187556 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

17. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 06-2007-187556 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE


I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Benjamin Fenton, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. A53795. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board.

DATED: July 28, 2011

~~CRAIG ALAN BITNER, M.D.~~
Respondent

1 I have read and fully discussed with Respondent CRAIG ALAN BITTNER, M.D., the
2 terms and conditions and other matters contained in this Stipulated Surrender of License and
3 Order. I approve its form and content.

4
5 DATED: July 28, 2011


6 BENJAMIN FENTON, ESQ.
7 Attorney for Respondent

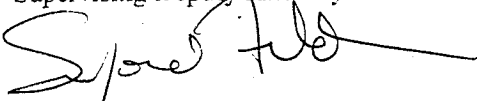
8 ENDORSEMENT

9 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
10 for consideration by the Board.

11 Dated: July 28, 2011

Respectfully submitted.

12 KAMALA D. HARRIS
13 Attorney General of California
14 THOMAS S. LAZAR
15 Supervising Deputy Attorney General


16 SANFORD H. FELDMAN
17 Deputy Attorney General
18 Attorneys for Complainant

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Exhibit A

Accusation No. 06-2007-187556

1 KAMALA D. HARRIS
Attorney General of California
2 THOMAS S. LAZAR
Supervising Deputy Attorney General
3 SANFORD H. FELDMAN
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E-mail: Sanford.Feldman@doj.ca.gov
8 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
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10 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 06-2007-187522

13 **CRAIG ALAN BITTNER, M.D.**
11835 W. Olympic Blvd. #925
14 Los Angeles, CA 90064

A C C U S A T I O N

15 **Physician's and Surgeon's**
16 **Certificate No. A 53795**

Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Director of the Medical Board of California, Department of Consumer Affairs,
22 State of California.

23 2. On or about December 21, 1994, the Medical Board of California issued Physician's
24 and Surgeon's Certificate No. A 53795 to CRAIG ALAN BITTNER, M.D. (Respondent).
25 Physician's and Surgeon's Certificate No. A 53795 was in full force and effect at all times
26 relevant to the charges brought herein and will expire on May 31, 2012, unless renewed.

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28 ///

JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board).
Department of Consumer Affairs, State of California, under the authority of the following laws.
All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, be publicly reprimanded or have such other action taken in relation to discipline as the Board deems proper.

5. Section 2234 of the Code states:

"The Division of Medical Quality¹ shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter [Chapter 5, the Medical Practice Act].

"...

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

"..."

6. Unprofessional conduct under California Business and Professions Code section 2234 is conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrates an

¹ California Business and Professions Code section 2002, as amended and effective January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in the State Medical Practice Act (Bus. & Prof. Code, §§ 2000, *et seq.*) means the "Medical Board of California," and references to the "Division of Medical Quality" and "Division of Licensing" in the Act or any other provision of law shall be deemed to refer to the Board.

1 unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564.
2 575.)

3 7. Section 2052 of the Code states:

4 "(a) Notwithstanding Section 146, any person who practices or attempts
5 to practice, or who advertises or holds himself or herself out as practicing, any
6 system or mode of treating the sick or afflicted in this state, or who diagnoses,
7 treats, operates for, or prescribes for any ailment, blemish, deformity, disease,
8 disfigurement, disorder, injury, or other physical or mental condition of any
9 person, without having at the time of so doing a valid, unrevoked, or
10 unsuspended certificate as provided in this chapter [Chapter 5, the Medical
11 Practice Act], or without being authorized to perform the act pursuant to a
12 certificate obtained in accordance with some other provision of law, is guilty of
13 a public offense, punishable by a fine not exceeding ten thousand dollars
14 (\$10,000), by imprisonment in the state prison, by imprisonment in a county jail
15 not exceeding one year, or by both the fine and either imprisonment.

16 "(b) Any person who conspires with or aids or abets another to commit
17 any act described in subdivision (a) is guilty of a public offense, subject to the
18 punishment described in that subdivision.

19 "(c) The remedy provided in this section shall not preclude any other
20 remedy provided by law."

21 8. Section 2236 of the Code states, in pertinent part:

22 "(a) The conviction of any offense substantially related to the qualifications,
23 functions, or duties of a physician and surgeon constitutes unprofessional conduct
24 within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The
25 record of conviction shall be conclusive evidence only of the fact that the
26 conviction occurred.

27 "

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1 (d) A plea or verdict of guilty or a conviction after a plea of nolo contendere
2 is deemed to be a conviction within the meaning of this section and Section
3 2236.1. The record of conviction shall be conclusive evidence of the fact that the
4 conviction occurred."

5 9. Section 2264 of the Code states:

6 "The employing, directly or indirectly, the aiding, or the abetting of any
7 unlicensed person or any suspended, revoked, or unlicensed practitioner to
8 engage in the practice of medicine or any other mode of treating the sick or
9 afflicted which requires a license to practice constitutes unprofessional
10 conduct."

11 10. Section 118 of the Code states, in pertinent part:

12 "b) The suspension, expiration, or forfeiture by operation of law of a
13 license issued by a board in the department, or its suspension, forfeiture, or
14 cancellation by order of the board or by order of a court of law, or its surrender
15 without the written consent of the board, shall not, during any period in which it
16 may be renewed, restored, reissued, or reinstated, deprive the board of its
17 authority to institute or continue a disciplinary proceeding against the licensee
18 upon any ground provided by law or to enter an order suspending or revoking
19 the license or otherwise taking disciplinary action against the licensee on any
20 such ground."

21 FIRST CAUSE FOR DISCIPLINE

22 (Conviction of a Crime Substantially Related to the Qualifications,
23 Functions or Duties of a Physician and Surgeon)

24 11. Respondent is subject to disciplinary action under sections 2227 and 2234, as defined
25 by section 2236, of the Code, in that he was convicted of a crime substantially related to the
26 qualifications, functions and duties of a physician and surgeon, to wit: practicing medicine
27 without a license by aiding and abetting the practice of medicine by an unlicensed person, in
28 violation of Code section 2052(b), a felony. The circumstances are set forth below.

1 12. On or about February 16, 2010, in the case of *The People of the State of California v.*
2 *Craig Alan Bittner, et al.* Los Angeles County Superior Court Case No. BA367874. Respondent
3 was charged in Count 1 of a felony complaint with practicing medicine without a license by
4 aiding and abetting the practice of medicine by an unlicensed person, in violation of Code section
5 2052(b), a felony.

6 13. On or about April 4, 2011, in the above identified criminal matter, Respondent
7 entered a plea of nolo contendere to Count 1 pursuant to a plea bargain. On or about April 4,
8 2011, a verdict of guilty was entered. Pursuant to the plea bargain, Respondent was ordered to
9 surrender his medical license to the Board by May 15, 2011. In addition, sentencing was delayed
10 for two years.

11 SECOND CAUSE FOR DISCIPLINE

12 (Unlicensed Practice)

13 14. Respondent is further subject to disciplinary action under sections 2227 and 2234, as
14 defined by section 2052 and 2234 and 2234(f), of the Code, in that practiced medicine without a
15 license in that he conspired with and aided and abetted another to violate Code section 2052,
16 subdivision (a) without a valid certificate or authority. The circumstances are set forth in
17 Paragraphs 11 and 13, above, which are hereby incorporated by reference as if fully set forth
18 herein.

19 THIRD CAUSE FOR DISCIPLINE

20 (Aiding and Abetting Unlicensed Practice)

21 15. Respondent is further subject to disciplinary action under sections 2227 and 2234, as
22 defined by section 2264, of the Code, in that he aided and abetted the practice of medicine by an
23 unlicensed person. The circumstances are set forth in Paragraphs 11 and 14, above, which are
24 hereby incorporated by reference as if fully set forth herein.

25 FOURTH CAUSE FOR DISCIPLINE

26 (General Unprofessional Conduct)

27 16. Respondent is further subject to disciplinary action under sections 2227 and 2234, as
28 defined by section 2234, in that he has engaged in conduct which breaches the rules or ethical

1 code of the medical profession, or conduct which is unbecoming of a member in good standing of
2 the medical profession. and which demonstrate an unfitness to practice medicine, as more
3 particularly alleged in paragraphs 11 and 15, above, which are hereby incorporated by reference
4 as if fully set forth herein.

5 FIFTH CAUSE FOR DISCIPLINE

6 (Violation of Provision or Provisions of the Medical Practice Act)

7 17. Respondent is further subject to disciplinary action under sections 2227 and 2234, as
8 defined by section 2234, subdivision (a), and Title 16, California Code of Regulations, section
9 1360, in that he has violated a provision or provisions of the Medical Practice Act, as more
10 particularly alleged in paragraphs 11 through 16, above, which are hereby incorporated by
11 reference as if fully set forth herein.

12 FIFTH CAUSE FOR DISCIPLINE

13 (Conduct Which Would Warrant Denial of a License)

14 18. Respondent is further subject to disciplinary action under sections 2227 and 2234, as
15 defined by section 2234, subdivision (f), in that he engaged in action or conduct which would
16 have warranted denial of a certificate, as more particularly alleged in paragraphs 11 through 17,
17 above, which are hereby incorporated by reference as if fully set forth herein.

18 PRAYER

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
20 and that following the hearing, the Board issue a decision:

21 1. Revoking or suspending Physician's and Surgeon's Certificate No. A 53795, issued to
22 Respondent CRAIG ALAN BITTNER, M.D.;

23 2. Revoking, suspending or denying approval of Respondent CRAIG ALAN BITTNER,
24 M.D.'s authority to supervise physician's assistants, pursuant to section 3527 of the Code;

25 3. Ordering Respondent Craig Alan Bittner, M.D., if placed on probation, to pay the
26 Board the costs of probation monitoring;

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

DATED:

5/16/11

Linda K. Whitney,
by Supriya L. Chaudhary D.A.C.

LINDA K. WHITNEY
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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