

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

In the Matter of the Accusation)
Against:)

JASON WILLIAM LANE, M.D.)
Physician's and Surgeon's)
Certificate No. C 55242)
Respondent)

Case No. 800-2013-000590

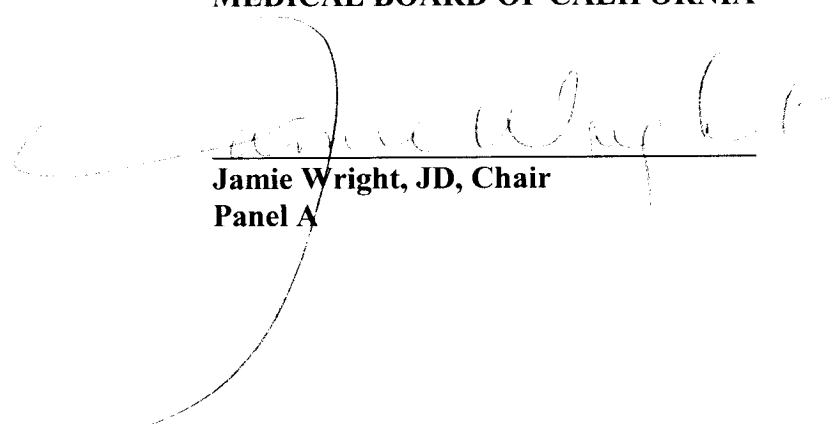
DECISION

The attached Stipulated Settlement and Disciplinary 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 January 15, 2015.

IT IS SO ORDERED: December 16, 2014.

MEDICAL BOARD OF CALIFORNIA



**Jamie Wright, JD, Chair
Panel A**

1 KAMALA D. HARRIS
Attorney General of California
2 THOMAS S. LAZAR
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3 JOSEPH F. MCKENNA III
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9 **BEFORE THE**
10 **MEDICAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 800-2013-000590

13 **JASON LANE, M.D.**
14 **3250 Fordham Street**
San Diego, CA 92110

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 **Physician's and Surgeon's**
16 **Certificate No. C55242,**

17 Respondent.

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

21 **PARTIES**

22 1. Kimberly Kirchmeyer ("Complainant") is the Executive Director of the Medical
23 Board of California. She brought this action solely in her official capacity as such and is
24 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
25 Joseph F. McKenna III, Deputy Attorney General.

26 2. Respondent Jason Lane, M.D. ("respondent") is represented in this proceeding by
27 David Rosenberg, Esq., whose address is: 750 B Street, Suite 3210, San Diego, CA 92101.

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3. On or about April 27, 2012, the Medical Board of California issued Physician's and Surgeon's Certificate No. C55242 to Jason Lane, M.D. ("respondent"). The physician's and Surgeon's Certificate expired on January 31, 2014, and has not been renewed. On June 30, 2014, respondent's Physician's and Surgeon's Certificate No. C55242 was suspended and he was immediately prohibited from practicing medicine in the State of California as a result of a "Stipulation of the Parties Re Interim Order of Suspension and Order" accepted and issued by Presiding Administrative Law Judge Robert Walker at the Office of Administrative Hearings in San Diego. Respondent's Physician's and Surgeon's Certificate No. C55242 remains suspended, and he remains prohibited from practicing medicine in the State of California, at this time.

JURISDICTION

4. On July 29, 2014, Accusation No. 800-2013-000590 was filed before the Medical Board of California (Board), Department of Consumer Affairs, and is currently pending against respondent. A true and correct copy of the Accusation and all other statutorily required documents were properly served on respondent on July 29, 2014. Respondent timely filed his Notice of Defense contesting the Accusation. A true and correct copy of Accusation No. 800-2013-000590 is attached hereto as Exhibit A and incorporated herein by reference as if fully set forth herein.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and fully understands the charges and allegations in Accusation No. 800-2013-000590. Respondent has also carefully read, fully discussed with counsel, and fully understands the effects of this Stipulated Settlement and Disciplinary 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 Accusation No. 800-2013-000590; 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

1 laws, having been fully advised of same by his attorney of record, David Rosenberg, Esq.

2 7. Having the benefit of counsel, respondent hereby voluntarily, knowingly, and
3 intelligently waives and gives up each and every right set forth above.

4 **CULPABILITY**

5 8. Respondent admits the complete truth and accuracy of each and every charge and
6 allegation, separately and severally, in Accusation No. 800-2013-000590.

7 9. Respondent agrees that his Physician's and Surgeon's Certificate No. C55242 is
8 subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth
9 in the Disciplinary Order below.

10 **CONTINGENCY**

11 10. This Stipulated Settlement and Disciplinary Order shall be subject to approval of the
12 Board. The parties agree that this Stipulated Settlement and Disciplinary Order shall be
13 submitted to the Board for its consideration in the above-entitled matter and, further, that the
14 Board shall have a reasonable period of time in which to consider and act on this Stipulated
15 Settlement and Disciplinary Order after receiving it. By signing this stipulation, respondent fully
16 understands and agrees that he may not withdraw his agreement or seek to rescind this stipulation
17 prior to the time the Board considers and acts upon it.

18 11. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null
19 and void and not binding upon the parties unless approved and adopted by the Board, except for
20 this paragraph, which shall remain in full force and effect. Respondent fully understands and
21 agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and
22 Disciplinary Order, the Board may receive oral and written communications from its staff and/or
23 the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify
24 the Board, any member thereof, and/or any other person from future participation in this or any
25 other matter affecting or involving respondent. In the event that the Board does not, in its
26 discretion, approve and adopt this Stipulated Settlement and Disciplinary Order, with the
27 exception of this paragraph, it shall not become effective, shall be of no evidentiary value
28 whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party

1 hereto. Respondent further agrees that should this Stipulated Settlement and Disciplinary Order
2 be rejected for any reason by the Board, respondent will assert no claim that the Board, or any
3 member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this
4 Stipulated Settlement and Disciplinary Order or of any matter or matters related hereto.

5 **ADDITIONAL PROVISIONS**

6 12. This Stipulated Settlement and Disciplinary Order is intended by the parties herein
7 to be an integrated writing representing the complete, final and exclusive embodiment of the
8 agreements of the parties in the above-entitled matter.

9 13. The parties agree that copies of this Stipulated Settlement and Disciplinary Order,
10 including copies of the signatures of the parties, may be used in lieu of original documents and
11 signatures and, further, that such copies shall have the same force and effect as originals.

12 14. In consideration of the foregoing admissions and stipulations, the parties agree the
13 Board may, without further notice to or opportunity to be heard by respondent, issue and enter the
14 following Disciplinary Order:

15 **DISCIPLINARY ORDER**

16 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C55242 issued
17 to respondent Jason Lane, M.D. ("respondent") is revoked. However, the revocation is stayed
18 and respondent is placed on probation for ten (10) years from the effective date of this Decision
19 on the following terms and conditions.

20 1. **ACTUAL SUSPENSION.** As part of probation, respondent is suspended from the
21 practice of medicine for one hundred eighty (180) days with the suspension commencing on June
22 30, 2014, which is the date respondent's Physician's and Surgeon's Certificate No. C55242 was
23 suspended and he was immediately prohibited from practicing medicine in the State of California
24 as a result of a "Stipulation of the Parties Re Interim Order of Suspension and Order" accepted
25 and issued by Presiding Administrative Law Judge Robert Walker at the Office of Administrative
26 Hearings in San Diego.

27 2. **CONTROLLED SUBSTANCES - ABSTAIN FROM USE.** Respondent shall abstain
28 completely from the personal use or possession of controlled substances as defined in the

1 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and
2 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not
3 apply to medications lawfully prescribed to respondent by another practitioner for a bona fide
4 illness or condition.

5 Within 15 calendar days of receiving any lawfully prescribed medications, respondent shall
6 notify the Board or its designee of the: issuing practitioner's name, address, and telephone
7 number; medication name, strength, and quantity; and issuing pharmacy name, address, and
8 telephone number.

9 If respondent has a confirmed positive biological fluid test for any substance (whether or
10 not legally prescribed) and has not reported the use to the Board or its designee, respondent
11 shall receive a notification from the Board or its designee to immediately cease the practice of
12 medicine. The respondent shall not resume the practice of medicine until final decision on an
13 accusation and/or a petition to revoke probation. An accusation and/or petition to revoke
14 probation shall be filed by the Board within 15 days of the notification to cease practice. If the
15 respondent requests a hearing on the accusation and/or petition to revoke probation, the Board
16 shall provide the respondent with a hearing within 30 days of the request, unless the respondent
17 stipulates to a later hearing. A decision shall be received from the Administrative Law Judge or
18 the Board within 15 days unless good cause can be shown for the delay. The cessation of practice
19 shall not apply to the reduction of the probationary time period.

20 If the Board does not file an accusation or petition to revoke probation within 15 days of the
21 issuance of the notification to cease practice or does not provide respondent with a hearing within
22 30 days of a such a request, the notification of cease practice shall be dissolved.

23 3. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the
24 use of products or beverages containing alcohol.

25 If respondent has a confirmed positive biological fluid test for alcohol, respondent shall
26 receive a notification from the Board or its designee to immediately cease the practice of
27 medicine. The respondent shall not resume the practice of medicine until final decision on an
28 accusation and/or a petition to revoke probation. An accusation and/or petition to revoke

1 probation shall be filed by the Board within 15 days of the notification to cease practice. If the
2 respondent requests a hearing on the accusation and/or petition to revoke probation, the Board
3 shall provide the respondent with a hearing within 30 days of the request, unless the respondent
4 stipulates to a later hearing. A decision shall be received from the Administrative Law Judge or
5 the Board within 15 days unless good cause can be shown for the delay. The cessation of practice
6 shall not apply to the reduction of the probationary time period.

7 If the Board does not file an accusation or petition to revoke probation within 15 days of the
8 issuance of the notification to cease practice or does not provide respondent with a hearing within
9 30 days of a such a request, the notification of cease practice shall be dissolved.

10 4. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
11 biological fluid testing, at respondent's expense, upon request of the Board or its designee.
12 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
13 follicle testing, or similar drug screening approved by the Board or its designee. Prior to
14 practicing medicine, respondent shall contract with a laboratory or service approved in advance
15 by the Board or its designee that will conduct random, unannounced, observed, biological fluid
16 testing. The contract shall require results of the tests to be transmitted by the laboratory or
17 service directly to the Board or its designee within four hours of the results becoming available.
18 Respondent shall maintain this laboratory or service contract during the period of probation.

19 A certified copy of any laboratory test result may be received in evidence in any
20 proceedings between the Board and respondent .

21 If respondent fails to cooperate in a random biological fluid testing program within the
22 specified time frame, respondent shall receive a notification from the Board or its designee to
23 immediately cease the practice of medicine. The respondent shall not resume the practice of
24 medicine until final decision on an accusation and/or a petition to revoke probation. An
25 accusation and/or petition to revoke probation shall be filed by the Board within 15 days of the
26 notification to cease practice. If the respondent requests a hearing on the accusation and/or
27 petition to revoke probation, the Board shall provide the Respondent with a hearing within 30
28 days of the request, unless the respondent stipulates to a later hearing. A decision shall be

1 received from the Administrative Law Judge or the Board within 15 days unless good cause can
2 be shown for the delay. The cessation of practice shall not apply to the reduction of the
3 probationary time period.

4 If the Board does not file an accusation or petition to revoke probation within 15 days of the
5 issuance of the notification to cease practice or does not provide respondent with a hearing within
6 30 days of a such a request, the notification of cease practice shall be dissolved.

7 5. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
8 the effective date of this Decision, respondent shall enroll in a professionalism program, that
9 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.
10 Respondent shall participate in and successfully complete that program. Respondent shall
11 provide any information and documents that the program may deem pertinent. Respondent shall
12 successfully complete the classroom component of the program not later than six (6) months after
13 respondent's initial enrollment, and the longitudinal component of the program not later than the
14 time specified by the program, but no later than one (1) year after attending the classroom
15 component. The professionalism program shall be at respondent's expense and shall be in
16 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

17 A professionalism program taken after the acts that gave rise to the charges in the
18 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
19 or its designee, be accepted towards the fulfillment of this condition if the program would have
20 been approved by the Board or its designee had the program been taken after the effective date of
21 this Decision.

22 Respondent shall submit a certification of successful completion to the Board or its
23 designee not later than 15 calendar days after successfully completing the program or not later
24 than 15 calendar days after the effective date of the Decision, whichever is later.

25 6. PSYCHIATRIC EVALUATION. Within 30 calendar days of the effective date of
26 this Decision, and on whatever periodic basis thereafter may be required by the Board or its
27 designee, respondent shall undergo and complete a psychiatric evaluation (and psychological
28 testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall

1 consider any information provided by the Board or designee and any other information the
2 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its
3 designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not
4 be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all
5 psychiatric evaluations and psychological testing.

6 Respondent shall comply with all restrictions or conditions recommended by the evaluating
7 psychiatrist within 15 calendar days after being notified by the Board or its designee.

8 Respondent shall not engage in the practice of medicine until notified by the Board or its
9 designee that respondent is mentally fit to practice medicine safely. The period of time that
10 respondent is not practicing medicine shall not be counted toward completion of the term of
11 probation.

12 7. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this Decision,
13 respondent shall submit to the Board or its designee for prior approval the name and
14 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who
15 has a doctoral degree in psychology and at least five years of postgraduate experience in the
16 diagnosis and treatment of emotional and mental disorders. Upon approval, respondent shall
17 undergo and continue psychotherapy treatment, including any modifications to the frequency of
18 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

19 The psychotherapist shall consider any information provided by the Board or its designee
20 and any other information the psychotherapist deems relevant and shall furnish a written
21 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
22 psychotherapist any information and documents that the psychotherapist may deem pertinent.

23 Respondent shall have the treating psychotherapist submit quarterly status reports to the
24 Board or its designee. The Board or its designee may require respondent to undergo psychiatric
25 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of
26 probation, respondent is found to be mentally unfit to resume the practice of medicine without
27 restrictions, the Board shall retain continuing jurisdiction over respondent's license and the period
28 of probation shall be extended until the Board determines that respondent is mentally fit to

1 resume the practice of medicine without restrictions.

2 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

3 8. MEDICAL EVALUATION AND TREATMENT. Within 30 calendar days of the
4 effective date of this Decision, and on a periodic basis thereafter as may be required by the Board
5 or its designee, respondent shall undergo a medical evaluation by a Board-appointed physician
6 who shall consider any information provided by the Board or designee and any other information
7 the evaluating physician deems relevant and shall furnish a medical report to the Board or its
8 designee. Respondent shall provide the evaluating physician any information and documentation
9 that the evaluating physician may deem pertinent.

10 Following the evaluation, respondent shall comply with all restrictions or conditions
11 recommended by the evaluating physician within 15 calendar days after being notified by the
12 Board or its designee. If respondent is required by the Board or its designee to undergo medical
13 treatment, respondent shall within 30 calendar days of the requirement notice, submit to the
14 Board or its designee for prior approval the name and qualifications of a California licensed
15 treating physician of respondent's choice. Upon approval of the treating physician, respondent
16 shall within 15 calendar days undertake medical treatment and shall continue such treatment until
17 further notice from the Board or its designee.

18 The treating physician shall consider any information provided by the Board or its designee
19 or any other information the treating physician may deem pertinent prior to commencement of
20 treatment. Respondent shall have the treating physician submit quarterly reports to the Board or
21 its designee indicating whether or not the respondent is capable of practicing medicine safely.
22 Respondent shall provide the Board or its designee with any and all medical records pertaining to
23 treatment, the Board or its designee deems necessary.

24 If, prior to the completion of probation, respondent is found to be physically incapable of
25 resuming the practice of medicine without restrictions, the Board shall retain continuing
26 jurisdiction over respondent's license and the period of probation shall be extended until the
27 Board determines that respondent is physically capable of resuming the practice of medicine
28 without restrictions. Respondent shall pay the cost of the medical evaluation(s) and treatment.

1 Respondent shall not engage in the practice of medicine until notified in writing by the
2 Board or its designee of its determination that respondent is medically fit to practice safely.

3 9. MONITORING - PRACTICE. Within 30 calendar days of the effective date of this
4 Decision, respondent shall submit to the Board or its designee for prior approval as a practice
5 monitor(s), the name and qualifications of one or more licensed physicians and surgeons whose
6 licenses are valid and in good standing, and who are preferably American Board of Medical
7 Specialties (ABMS) certified. A monitor shall have no prior or current business or personal
8 relationship with respondent, or other relationship that could reasonably be expected to
9 compromise the ability of the monitor to render fair and unbiased reports to the Board, including
10 but not limited to any form of bartering, shall be in respondent's field of practice, and must agree
11 to serve as respondent's monitor. Respondent shall pay all monitoring costs.

12 The Board or its designee shall provide the approved monitor with copies of the Decision(s)
13 and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the
14 Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed
15 statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role
16 of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees
17 with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the
18 signed statement for approval by the Board or its designee.

19 Within 60 calendar days of the effective date of this Decision, and continuing throughout
20 probation, respondent's practice shall be monitored by the approved monitor. Respondent shall
21 make all records available for immediate inspection and copying on the premises by the monitor
22 at all times during business hours and shall retain the records for the entire term of probation.

23 If respondent fails to obtain approval of a monitor within 60 calendar days of the effective
24 date of this Decision, respondent shall receive a notification from the Board or its designee to
25 cease the practice of medicine within three (3) calendar days after being so notified. Respondent
26 shall cease the practice of medicine until a monitor is approved to provide monitoring
27 responsibility.

28 The monitor(s) shall submit a quarterly written report to the Board or its designee which

1 includes an evaluation of respondent's performance, indicating whether respondent's practices are
2 within the standards of practice of medicine, and whether respondent is practicing medicine
3 safely, billing appropriately or both. It shall be the sole responsibility of respondent to ensure that
4 the monitor submits the quarterly written reports to the Board or its designee within 10 calendar
5 days after the end of the preceding quarter.

6 If the monitor resigns or is no longer available, respondent shall, within 5 calendar days of
7 such resignation or unavailability, submit to the Board or its designee, for prior approval, the
8 name and qualifications of a replacement monitor who will be assuming that responsibility within
9 15 calendar days. If respondent fails to obtain approval of a replacement monitor within 60
10 calendar days of the resignation or unavailability of the monitor, respondent shall receive a
11 notification from the Board or its designee to cease the practice of medicine within three (3)
12 calendar days after being so notified respondent shall cease the practice of medicine until a
13 replacement monitor is approved and assumes monitoring responsibility.

14 In lieu of a monitor, respondent may participate in a professional enhancement program
15 equivalent to the one offered by the Physician Assessment and Clinical Education Program at the
16 University of California, San Diego School of Medicine, that includes, at minimum, quarterly
17 chart review, semi-annual practice assessment, and semi-annual review of professional growth
18 and education. Respondent shall participate in the professional enhancement program at
19 respondent's expense during the term of probation.

20 10. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the
21 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice
22 where: 1) respondent merely shares office space with another physician but is not affiliated for
23 purposes of providing patient care, or 2) respondent is the sole physician practitioner at that
24 location.

25 If respondent fails to establish a practice with another physician or secure employment in an
26 appropriate practice setting within 60 calendar days of the effective date of this Decision,
27 respondent shall receive a notification from the Board or its designee to cease the practice of
28 medicine within three (3) calendar days after being so notified. The respondent shall not resume

1 practice until an appropriate practice setting is established.

2 If, during the course of the probation, the respondent's practice setting changes and the
3 respondent is no longer practicing in a setting in compliance with this Decision, the respondent
4 shall notify the Board or its designee within 5 calendar days of the practice setting change. If
5 respondent fails to establish a practice with another physician or secure employment in an
6 appropriate practice setting within 60 calendar days of the practice setting change, respondent
7 shall receive a notification from the Board or its designee to cease the practice of medicine within
8 three (3) calendar days after being so notified. The respondent shall not resume practice until an
9 appropriate practice setting is established.

10 11. PROHIBITED PRACTICE. During probation, respondent is prohibited from
11 practicing medicine, unless, for the entirety of his probation, he participates in a Twelve Step
12 program, including obtaining a sponsor, on a twice weekly basis with proof of such participation.

13 Respondent shall submit proof of participation in the Twelve Step program to the Board,
14 or its designee, upon demand and with reasonable notice. Failure to participate in the Twelve
15 Step program, maintain proof of participation, or submit proof of that participation to the Board
16 or its designee upon demand and with reasonable notice, is a violation of probation.

17 12. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
18 respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
19 Chief Executive Officer at every hospital where privileges or membership are extended to
20 respondent, at any other facility where respondent engages in the practice of medicine, including
21 all physician and locum tenens registries or other similar agencies, and to the Chief Executive
22 Officer at every insurance carrier which extends malpractice insurance coverage to respondent.
23 Respondent shall submit proof of compliance to the Board or its designee within 15 calendar
24 days.

25 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

26 13. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, respondent is
27 prohibited from supervising physician assistants.

28 14. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules

governing the practice of medicine in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.

15. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation.

Respondent shall submit quarterly declarations not later than 10 calendar days after the end of the preceding quarter.

16. GENERAL PROBATION REQUIREMENTS.

Compliance with Probation Unit

Respondent shall comply with the Board's probation unit and all terms and conditions of this Decision.

Address Changes

Respondent shall, at all times, keep the Board informed of respondent's business and residence addresses, email address (if available), and telephone number. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021(b).

Place of Practice

Respondent shall not engage in the practice of medicine in respondent's or patient's place of residence, unless the patient resides in a skilled nursing facility or other similar licensed facility.

License Renewal

Respondent shall maintain a current and renewed California physician's and surgeon's license.

Travel or Residence Outside California

Respondent shall immediately inform the Board or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) calendar days.

1 In the event respondent should leave the State of California to reside or to practice
2 respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
3 departure and return.

4 17. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
5 available in person upon request for interviews either at respondent's place of business or at the
6 probation unit office, with or without prior notice throughout the term of probation.

7 18. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
8 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
9 30 calendar days and within 15 calendar days of respondent's return to practice. Non-practice is
10 defined as any period of time respondent is not practicing medicine in California as defined in
11 Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month
12 in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All
13 time spent in an intensive training program which has been approved by the Board or its designee
14 shall not be considered non-practice. Practicing medicine in another state of the United States or
15 Federal jurisdiction while on probation with the medical licensing authority of that state or
16 jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall
17 not be considered as a period of non-practice.

18 In the event respondent's period of non-practice while on probation exceeds 18 calendar
19 months, respondent shall successfully complete a clinical training program that meets the criteria
20 of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and
21 Disciplinary Guidelines" prior to resuming the practice of medicine.

22 Respondent's period of non-practice while on probation shall not exceed two (2) years.

23 Periods of non-practice will not apply to the reduction of the probationary term.

24 Periods of non-practice will relieve respondent of the responsibility to comply with the
25 probationary terms and conditions with the exception of this condition and the following terms
26 and conditions of probation: Obey All Laws; and General Probation Requirements.

27 19. COMPLETION OF PROBATION. Respondent shall comply with all financial
28 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the

1 completion of probation. Upon successful completion of probation, respondent's certificate shall
2 be fully restored.

3 20. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
4 of probation is a violation of probation. If respondent violates probation in any respect, the
5 Board, after giving respondent notice and the opportunity to be heard, may revoke probation and
6 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke
7 Probation, or an Interim Suspension Order is filed against respondent during probation, the Board
8 shall have continuing jurisdiction until the matter is final, and the period of probation shall be
9 extended until the matter is final.

10 21. LICENSE SURRENDER. Following the effective date of this Decision, if
11 respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
12 the terms and conditions of probation, respondent may request to surrender his or her license.
13 The Board reserves the right to evaluate respondent's request and to exercise its discretion in
14 determining whether or not to grant the request, or to take any other action deemed appropriate
15 and reasonable under the circumstances. Upon formal acceptance of the surrender, respondent
16 shall within 15 calendar days deliver respondent's wallet and wall certificate to the Board or its
17 designee and respondent shall no longer practice medicine. Respondent will no longer be subject
18 to the terms and conditions of probation. If respondent re-applies for a medical license, the
19 application shall be treated as a petition for reinstatement of a revoked certificate.

20 22. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
21 with probation monitoring each and every year of probation, as designated by the Board, which
22 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
23 California and delivered to the Board or its designee no later than January 31 of each calendar
24 year.

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DATED: Sept 4, 2014

DATED: 9/4/2014

ENDORSEMENT

Dated: 10/29/2014


JOSEPH F. MCKENNA III
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 800-2013-000590

1 KAMALA D. HARRIS
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2 THOMAS S. LAZAR
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10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 800-2013-000590

14 **JASON LANE, M.D.**
15 **2119 Summer Hill Drive**
Encinitas, CA 92024-5442

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate No.**
17 **C55242**

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
22 capacity as the Executive Director of the Medical Board of California, Department of Consumer
23 Affairs.

24 2. On or about April 27, 2012, the Medical Board of California (Board) issued
25 Physician's and Surgeon's Certificate Number C55242 to Jason Lane, M.D. (respondent).
26 Respondent's Physician's and Surgeon's Certificate No. C55242 was in full force and effect at all
27 times relevant to the charges brought herein and will expire on January 31, 2016, unless renewed.
28 On or about June 30, 2014, a stipulated Interim Order of Suspension was issued immediately

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO July 29 2014
BY: [Signature] ANALYST

1 suspending Physician's and Surgeon's Certificate No. C55242 and prohibiting respondent from
2 practicing medicine in the State of California. As a result, respondent remains suspended from
3 the practice of medicine as of the date of the filing of this Accusation.

4 JURISDICTION

5 3. This Accusation is brought before the Board, under the authority of the following
6 laws. All section references are to the Business and Professions Code (Code) unless otherwise
7 indicated.

8 4. Section 2227 of the Code states:

9 "(a) A licensee whose matter has been heard by an administrative law
10 judge of the Medical Quality Hearing Panel as designated in Section 11371 of the
11 Government Code, or whose default has been entered, and who is found guilty, or
12 who has entered into a stipulation for disciplinary action with the board, may, in
13 accordance with the provisions of this chapter:

14 "(1) Have his or her license revoked upon order of the board.

15 "(2) Have his or her right to practice suspended for a period not to exceed
16 one year upon order of the board.

17 "(3) Be placed on probation and be required to pay the costs of probation
18 monitoring upon order of the board.

19 "(4) Be publicly reprimanded by the board. The public reprimand may
20 include a requirement that the licensee complete relevant educational courses
21 approved by the board.

22 "(5) Have any other action taken in relation to discipline as part of an
23 order of probation, as the board or an administrative law judge may deem proper.

24 "(b) Any matter heard pursuant to subdivision (a), except for warning
25 letters, medical review or advisory conferences, professional competency
26 examinations, continuing education activities, and cost reimbursement associated
27 therewith that are agreed to with the board and successfully completed by the
28 licensee, or other matters made confidential or privileged by existing law, is

1 deemed public, and shall be made available to the public by the board pursuant to
2 Section 803.1.”

3 5. Section 2234 of the Code states, in pertinent part, that:

4 “The board shall take action against any licensee who is charged with
5 unprofessional conduct. In addition to other provisions of this article,
6 unprofessional conduct includes, but is not limited to, the following:

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

9 “...”

10 6. Unprofessional conduct under Business and Professions Code section 2234 is
11 conduct which breaches the rules or ethical code of the medical profession, or conduct which is
12 unbecoming a member in good standing of the medical profession, and which demonstrates an
13 unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564,
14 575.)

15 7. Section 2239 of the Code states:

16 “(a) The use or prescribing for or administering to himself or herself, of
17 any controlled substance; or the use of any of the dangerous drugs specified in
18 Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be
19 dangerous or injurious to the licensee, or to any other person or to the public, or to
20 the extent that such use impairs the ability of the licensee to practice medicine
21 safely or more than one misdemeanor or any felony involving the use,
22 consumption, or self-administration of any of the substances referred to in this
23 section, or any combination thereof, constitutes unprofessional conduct.¹ The
24 record of the conviction is conclusive evidence of such unprofessional conduct.

25
26 ¹ There is a nexus between a physician’s use of alcoholic beverages and his or her fitness
27 to practice medicine, established by the Legislature in section 2239, “in all cases where a licensed
28 physician used alcoholic beverages to the extent or in such a manner as to pose a danger to
himself or others.” (*Watson v. Superior Court (Medical Board)* (2009) 176 Cal.App.4th 1407,
1411.)

1 “...”

2 8. California Code of Regulations, title 16, section 1360, states:

3 “For the purposes of denial, suspension or revocation of a license,
4 certificate or permit pursuant to Division 1.5 (commencing with Section 475) of
5 the code, a crime or act shall be considered to be substantially related to the
6 qualifications, functions or duties of a person holding a license, certificate or
7 permit under the Medical Practice Act if to a substantial degree it evidences
8 present or potential unfitness of a person holding a license, certificate or permit to
9 perform the functions authorized by the license, certificate or permit in a manner
10 consistent with the public health, safety or welfare. Such crimes or acts shall
11 include but not be limited to the following: Violating or attempting to violate,
12 directly or indirectly, or assisting in or abetting the violation of, or conspiring to
13 violate any provision of the Medical Practice Act.”

14 9. Section 822 of the Code states:

15 “If a licensing agency determines that its licentiate’s ability to practice his
16 or her profession safely is impaired because the licentiate is mentally ill, or
17 physically ill affecting competency, the licensing agency may take action by any
18 one of the following methods:

19 “(a) Revoking the licentiate’s certificate or license.

20 “(b) Suspending the licentiate’s right to practice.

21 “(c) Placing the licentiate on probation.

22 “(d) Taking such other action in relation to the licentiate as the licensing
23 agency in its discretion deems proper.

24 “The licensing agency shall not reinstate a revoked or suspended
25 certificate or license until it has received competent evidence of the absence or
26 control of the condition which caused its action and until it is satisfied that with
27 due regard for the public health and safety the person’s right to practice his or her
28 profession may be safely reinstated.”

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Use of Alcoholic Beverages to the Extent that Such Use Impairs the Ability of the Licensee**
3 **to Practice Medicine Safely)**

4 10. Respondent has subjected his Physician's and Surgeon's Certificate No.
5 C55242 to disciplinary action under sections 2227 and 2234, as defined by section 2239,
6 subdivision (a), of the Code, in that he has used alcoholic beverages to the extent that such use
7 impairs his ability to practice medicine safely, as more particularly alleged hereinafter:

8 **October 22, 2013 Incident**

9 (a) On or about October 21, 2013, respondent was employed as a
10 physician and surgeon at Southern California Permanente Medical Group in San
11 Diego. As part of that employment, respondent worked at both Kaiser Zion
12 Medical Group (Kaiser) and Palomar Medical Group (Palomar).

13 (b) On or about October 21, 2013, respondent was working on-call for
14 Palomar. That evening, respondent and his wife got into an argument about his
15 drinking. Prior to going to bed that night, respondent consumed approximately
16 two (2) bottles of wine. At approximately 1:00 a.m., respondent awakened and
17 drank approximately eight (8) more ounces of wine before returning to bed.

18 (c) On or about October 22, 2013, at or around 8:30 a.m., respondent
19 arrived at work at Kaiser so intoxicated that he collapsed and had to be transported
20 to the emergency department.

21 (d) At approximately 11:35 a.m., a diagnostic laboratory blood test was
22 conducted that revealed respondent's blood alcohol content to be .39%.
23 Respondent was treated for alcohol detoxification and then released to Sharp Mesa
24 Vista Hospital that day.

25 (e) On or about October 25, 2013, respondent's employment with
26 Southern California Permanente Medical Group was terminated.

27 **Alcohol Dependence Treatment**

28 (f) On or about October 22, 2013, respondent was voluntarily admitted to

1 Sharp Mesa Vista Hospital for a seven (7) day in-patient detoxification treatment program.
2 Respondent was attended by psychiatrist Dr. VG, who diagnosed him with alcohol
3 dependence and alcohol withdrawal. While at Sharp Mesa Vista, respondent admitted that
4 his alcohol consumption had gotten "out of control." Respondent completed the
5 detoxification program and was discharged on or about October 29, 2013.

6 (g) On or about October 29, 2013, respondent was admitted to Casa
7 Palmera for a thirty (30) day residential treatment program. Upon admission,
8 respondent was attended by Dr. RS, who diagnosed him with alcohol dependence
9 and depression. While at Casa Palmera, respondent admitted to having a serious
10 problem with alcohol. Respondent completed the rehabilitation program and was
11 discharged on or about November 27, 2013.

12 (h) On or about December 25, 2013, respondent was admitted to the
13 Intensive Outpatient Program at Casa Palmera for six (6) weeks for continued
14 treatment for alcohol dependence. Respondent completed the outpatient program
15 and was discharged on January 24, 2014.

16 (i) On or about January 26, 2014, respondent began attending
17 Alcoholics Anonymous meetings approximately five to six times per week.

18 (j) On or about February 11, 2014, respondent began individual
19 psychotherapy treatment sessions with Licensed and Clinical Social Worker, AM.

20 **Medical Board Investigation**

21 (k) On or about October 28, 2013, the Central Complaint Unit of the
22 Medical Board received a report from Southern California Permanente Medical
23 Group that respondent was terminated from employment after being found under
24 the influence of alcohol at work, on October 22, 2013.

25 (l) On or about March 24, 2014, respondent was interviewed as part of
26 the Medical Board's investigation of the report received from Southern California
27 Permanente Medical Group.

28 (m) During the interview, respondent was asked about his drinking

1 history. Respondent admitted to binge drinking back in college and admitted that
2 he later began drinking at night as a sleep aid. In or around 2011, respondent was
3 employed as a physician in the military and, for four months, worked at the
4 Trauma Intensive Care Unit in Afghanistan. Upon his return from that
5 deployment, respondent admitted using alcohol to "self-medicate" issues that he
6 later identified as posttraumatic stress disorder. While employed with Southern
7 California Permanente Medical Group, respondent admitted to drinking at night
8 and on the weekends, but denied ever drinking at work. In or around the Fall of
9 2013, respondent was admittedly drinking in excess of one bottle of wine each
10 night. In the weeks leading up to the incident, respondent admitted that his
11 drinking had gotten so out of hand that he began experiencing withdrawal
12 symptoms while at work, including but not limited to, feeling an increased level of
13 anxiety and shakiness.

14 (n) During the interview, respondent was asked about the events of on
15 or about October 21 and 22, 2013. Respondent admitted that he had consumed
16 approximately two (2) bottles of wine during the evening on or about October 21,
17 2013, and had awakened in the middle of the night and consumed even more.
18 Respondent admitted that his plan for the morning of on or about October 22,
19 2013, was to see patients at both Kaiser and Palomar. Respondent stated,
20 however, that he vaguely remembered waking up that morning, did not recall
21 driving to work, and vaguely recalled another doctor asking him if he was ok.
22 Respondent remembered being in the emergency room and then being taken to
23 Sharp Mesa Vista.

24 **SECOND CAUSE FOR DISCIPLINE**

25 **(Excessive Use of Alcoholic Beverages)**

26 11. Respondent has further subjected his Physician's and Surgeon's Certificate
27 No. C55242 to disciplinary action under sections 2227 and 2234, as defined by section
28 2239, subdivision (a), of the Code, in that he has used alcoholic beverages to the extent, or

1 in such a manner, as to be dangerous or injurious to himself, another person, or the public,
2 as more particularly alleged in paragraph 10, above, which is hereby incorporated by
3 reference as if fully set forth herein.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(General Unprofessional Conduct)**

6 12. Respondent has further subjected his Physician's and Surgeon's
7 Certificate No. C55242 to disciplinary action under sections 2227 and 2234 of the Code,
8 in that he has engaged in conduct which breaches the rules or ethical code of the medical
9 profession, or conduct which is unbecoming to a member in good standing of the medical
10 profession, and which demonstrates an unfitness to practice medicine, as more particularly
11 alleged in paragraphs 10 and 11, above, which are hereby incorporated by reference as if
12 fully set forth herein.

13 **FOURTH CAUSE FOR DISCIPLINE**

14 **(Violation of the Medical Practices Act)**

15 13. Respondent has further subjected his Physician's and Surgeon's Certificate
16 No. C55242 to disciplinary action under sections 2227 and 2234, as defined by section
17 2234, subdivision (a), of the Code, in that he has violated or attempted to violate, directly
18 or indirectly, a provision or provisions of the Medical Practices Act, as more particularly
19 alleged in paragraphs 10, 11 and 12, above, which are hereby incorporated by reference as
20 if fully set forth herein.

21 **CAUSE FOR ACTION**

22 **(Mental Illness and/or Physical Illness Affecting Competency)**

23 14. Respondent is subject to action under section 822 of the Code in that his
24 ability to practice medicine safely is impaired due to a mental illness and/or physical
25 illness affecting competency, as a result of his long standing addiction to alcohol, as more
26 particularly alleged in paragraph 10, above, which is hereby incorporated by reference as
27 if fully set forth herein.

28 ///

1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Medical Board of California issue a decision:

4 1. Revoking or suspending Physician's and Surgeon's Certificate Number
5 C55242, issued to respondent Jason Lane, M.D.;

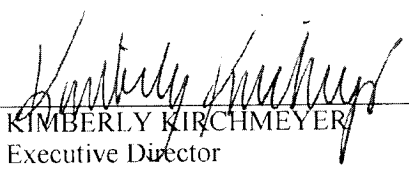
6 2. Revoking, suspending or denying approval of respondent Jason Lane,
7 M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code;

8 3. Ordering respondent Jason Lane, M.D. to pay the Medical Board of
9 California the costs of probation monitoring, if placed on probation;

10 4. Taking action as authorized by section 822 of the Code as the Board, in its
11 discretion, deems necessary and proper; and

12 5. Taking such other and further action as deemed necessary and proper.

13 DATED: July 29, 2014

14 
15 KIMBERLY KIRCHMEYER
16 Executive Director
17 Medical Board of California
18 Department of Consumer Affairs
19 State of California
20 Complainant