BEFORE THE
PHYSICIAN ASSISTANT BOARD
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Application of:	)	
DEBORAH JEAN CHARETTE	)	**Case No. 950-2019-002202**
Applicant	)	

ORDER CORRECTING CLERICAL ERROR IN "EFFECTIVE DATE" ON ORDER PAGE

On its own motion, the Physician Assistant Board (hereafter "board") finds that there is a clerical error in the "effective date" on the Order page of the Decision in the above-entitled matter and that such clerical error should be corrected so that the effective date is correct.

IT IS HEREBY ORDERED that the effective date on the Order page in the above-entitled matter be and hereby amended and corrected nunc pro tunc as of the date of entry, to read as follows.

This Decision shall become effective at 5:00 p.m. on February 15, 2019.

IT IS SO ORDERED: February 5, 2019.

PHYSICIAN ASSISTANT BOARD

Jed Grant, PA-C, President

BEFORE THE
PHYSICIAN ASSISTANT BOARD
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Application of:	)	
Deborah Jean Charette	)	**Case No. 950-2019-002202**
Applicant	)	

DECISION AND ORDER

The attached Stipulation for a Probationary License is hereby adopted as the Decision and Order of the Physician Assistant Board, Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on March 1, 2019.

IT IS SO ORDERED February 1, 2019.

PHYSICIAN ASSISTANT BOARD

By: _____
Jed Grant, PA-C, President

BEFORE THE
PHYSICIAN ASSISTANT BOARD
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Application of:	)	
	)	
Deborah Jean Charette	)	STIPULATION FOR A
	)	PROBATIONARY LICENSE
For a Physician Assistant License	)	
	)	

Deborah Jean Charette, applicant for a physician assistant license (hereafter Applicant), and Maureen L. Forsyth, Executive Officer, Physician Assistant Board (Board), hereby stipulate as follows:

FACTUAL FINDINGS

Jurisdiction

1) This Applicant is a George Washington University graduate of the Physician Assistant Program. She is licensed to practice as a physician assistant in the states of Texas, Maryland, Georgia, Pennsylvania, and Maine.

2) On September 17, 2018, the applicant submitted an application for physician assistant licensure to the Physician Assistant Board. Question 15 on the application asked: "*Have you ever had a healthcare license or certificate, or narcotics (controlled substance) permit denied or disciplined by this State, any other state, agency of the federal government, or another country, or have you ever surrendered such a license, certificate, or permit?*" Question 18 on the application asked: *"Have you ever been charged with, or been found to have committed unprofessional conduct, professional incompetence, gross negligence or repeated negligent acts, or malpractice by any licensing board, other agency, or hospital or has any disciplinary action ever been filed or taken regarding any healthcare license which you now hold or have ever held, or is any such action pending?"* The applicant checked the box marked "yes" next to Questions 15 and 18 and signed her application on September 11, 2018, attesting that she had read the questions in the application and declared that all of the information contained in her application was true and correct. She understood that falsification or misrepresentation of any item or response on the application or any attachment hereto is a sufficient basis for denying or revoking a license.

3) The Applicant signed a Consent Agreement with the state of Maine on February 15, 2011.

Applicant was subject to disciplinary action by the Maine Board of Licensure (Maine Board) and voluntarily surrendered her Maine physician assistant license while under investigation for allegations related to inappropriate prescribing of a controlled substance to a close family member without maintaining an adequate medical record.

4) The Applicant signed a Remedial Plan issued by the Texas Medical Board on October 21, 2011.

Applicant was subject to non-disciplinary action by the Texas Medical Board due to the disciplinary action implemented by the Maine Board. The remedial plan issued by the Texas Medical Board stipulated that Ms. Charette take and pass the Medical Jurisprudence Examination. Ms. Charette complied with all terms of the Remedial Plan.

5) Section 3527(c) of the Business and Professions Code states that the board may order the denial of an application for, or the issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition of probationary conditions upon a physician assistant license after a hearing as required in Section 3528 for unprofessional conduct which includes, but is not limited to, a violation of this chapter, a violation of the Physician Assistant Practice Act, the Medical Practice Act, or a violation of the regulations adopted by the board or the Medical Board of California.

6) Title 16, California Code of Regulations section 1399.521.5(e)(4) states any disciplinary action taken by another state is considered unprofessional conduct.

7) The Applicant agrees that grounds exist to deny the applicant's application for licensure pursuant to Business and Professions Code section 3527(c) based on paragraphs 3 and 4 above.

8) The Applicant acknowledges that she has a right to request a hearing on the denial of her request for licensure. The Applicant voluntarily, knowingly, and intelligently waives and gives up this right by signing this Stipulation.

9) Pursuant to section 3527(a) of the Business and Professions Code, the Board may deny an application for licensure, or issue a license subject to terms and conditions, or suspend or revoke, or impose probationary conditions upon a physician assistant license, after a hearing, for unprofessional conduct. Unprofessional conduct includes, but is not limited to, a violation of the Physician Assistant Practice Act (commencing with Business and Professions Code section 3500), a violation of the Medical Practice Act (commencing with Business and

Professions Code section 2000), or a violation of the regulations adopted by the Board or the Medical Board of California.

10) Pursuant to section 3519.5 of the Business and Professions Code, the board may issue a probationary license on terms and conditions. This Stipulation for a Probationary License (Stipulation) reflects board staff's recommendation to the Board regarding the issuance of a probationary license on terms and conditions to the Applicant in this matter, and that this Stipulation shall be subject to approval by the Board in order to be effective.

11) The Applicant understands and agrees that counsel for Complainant may communicate directly with the Board and board staff regarding this Stipulation without notice to or participation by the Applicant or her legal counsel. By signing the Stipulation, the Applicant understands and agrees that she may not withdraw her agreement or seek to rescind the Stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this Stipulation, the Stipulation for a Probationary License shall be of no force or effect (except for this paragraph) and shall be inadmissible in any legal action between the parties. Further, the Board shall not be disqualified from further action by having considered this matter.

12) The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulation, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

13) This Stipulation is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulation may not be altered, amended, modified, supplemented, or otherwise changed, except by a writing executed by an authorized representative of each of the parties.

14) In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue a probationary license to the Applicant on the terms and conditions set forth below.

ORDER

1) IT IS HEREBY ORDERED that the application of Deborah Jean Charette for a full and unrestricted license as a Physician Assistant is denied. However, the denial is stayed and Applicant is placed on probation for two (2) years on the following terms and conditions:

2) Psychological Evaluation/Treatment

Within 60 days of the effective date of this decision, and on a periodic basis thereafter as may be required by the Board or its designee, Applicant shall undergo a psychological evaluation by a Board appointed psychological evaluator who shall furnish a psychological report and recommendations to the Board or its designee.

Following the evaluation, Applicant shall comply with all restrictions or conditions recommended by the evaluating physician within 15 calendar days after notification by the Board or its designee.

Applicant may, based on the evaluator's report and recommendations, be required by the Board or its designee to undergo psychological treatment. Upon notification, Applicant shall within 30 days submit for prior approval the name and qualifications of a psychological practitioner of Applicant's choice. Upon approval of the treating psychological practitioner, Applicant shall undergo and continue psychological treatment until further notice from the Board or its designee. Applicant shall have the treating psychological practitioner submit quarterly status reports to the Board or its designee indicating whether the Applicant is capable of practicing medicine safely.

Applicant shall pay the cost of all psychological evaluations and treatment.

If the evaluator or treating practitioner determines that the Applicant is a danger to the public, upon notification, Applicant shall immediately cease practicing as a physician assistant until notified in writing by the Board or its designee that Applicant may resume practice.

3) Prescribing Practices Course

Within 60 calendar days of the effective date of this decision, Applicant shall enroll in a course in prescribing practices equivalent to the Prescribing Practices Course at the Physician Assessment and Clinical Education Program, University of California, San Diego School of Medicine (program), approved in advance by the board or its designee. Applicant shall provide the program with any information and documents that the program may deem pertinent. Applicant shall participate in and successfully complete the classroom component of the course no later than six (6) months after Applicant's initial enrollment. Applicant shall successfully complete any other component of the course within one (1) year of enrollment. The prescribing practices course shall be in additional to the Continuing Medical Education (CME) requirements for renewal of licensure.

Applicant shall pay the cost of the course. The program shall determine whether Applicant successfully completes the course.

Applicant shall submit a certification of successful completion to the board or its designee not later than 15 calendar days after successfully completing the course, or not later than 15 calendar days after the effective date of the decision, whichever is later.

4) Approval of Supervising Physician

Within 30 days of the effective date of this decision, Applicant shall submit to the Board or its designee for its prior approval the name and license number of the supervising physician and a practice plan detailing the nature and frequency of supervision to be provided. Applicant shall not practice until the supervising physician and practice plan are approved by the Board or its designee.

Applicant shall have the supervising physician submit quarterly reports to the Board or its designee.

If the supervising physician resigns or is no longer available, Applicant shall, within 15 days, submit the name and license number of a new supervising physician for approval. Applicant shall not practice until a new supervising physician has been approved by the Board or its designee.

5) Notification of Employer and Supervising Physician

Applicant shall notify his/her current and any subsequent employer and supervising physician(s) of the discipline and provide a copy of the accusation, decision, and order to each employer and supervising physician(s) during his/her period of probation, before accepting or continuing employment. Applicant shall ensure that each employer informs the Board or its designee, in writing within 30 days, verifying that the employer and supervising physician(s) have received a copy of Accusation, Decision, and Order.

This condition shall apply to any change(s) in place of employment.

The Applicant shall provide to the Board or its designee the names, physical addresses, mailing addresses, and telephone numbers of all employers, supervising physicians, and work site monitor, and shall inform the Board or its designee in writing of the facility or facilities at which the person practices as a physician assistant.

Applicant shall give specific, written consent to the Board or its designee to allow the Board or its designee to communicate with the employer, supervising physician, or work site monitor regarding the licensee's work status, performance, and monitoring.

6) Obey All Laws

Applicant shall obey all federal, state, and local laws, and all rules governing the practice of medicine as a physician assistant in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.

7) Quarterly Reports

Applicant shall submit quarterly declarations under penalty of perjury on forms provided by the Board or its designee, stating whether there has been compliance with all the conditions of probation.

8) Other Probation Requirements

Applicant shall comply with the Board's probation unit. Applicant shall, at all times, keep the Board and probation unit informed of Applicant's business and residence addresses. Changes of such addresses shall be immediately communicated in writing to the Board and probation unit. Under no circumstances shall a post office box serve as an address of record, except as allowed by California Code of Regulations 1399.511.

Applicant shall appear in person for an initial probation interview with the Board or its designee within 90 days of the decision. Applicant shall attend the initial interview at a time and place determined by the Board or its designee.

Applicant shall, at all times, maintain a current and renewed physician assistant license.

Applicant shall also immediately inform probation unit, in writing, of any travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) days.

9) Interview with Medical Consultant

Applicant shall appear in person for interviews with the Board's medical or expert physician assistant consultant upon request at various intervals and with reasonable notice.

10) Non-practice While on Probation

Applicant shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days. Non-practice is defined as any period of time exceeding 30 calendar days in which Applicant is not practicing as a physician assistant. Applicant shall not return to practice until the supervising physician is approved by the Board or designee.

If, during probation, Applicant moves out of the jurisdiction of California to reside or practice elsewhere, including federal facilities, Applicant is required to immediately notify the Board in writing of the date or departure, and the date or return, if any.

Practicing as a physician assistant in another state of the United States or federal jurisdiction while on active probation with the physician assistant licensing authority of that state or jurisdiction shall not be considered non-practice.

All time spent in a clinical training program that has been approved by the Board or its designee, shall not be considered non-practice. Non-practice due to a Board ordered suspension or in compliance with any other condition or probation, shall not be considered a period of non-practice.

Any period of non-practice, as defined in this condition, will not apply to the reduction of the probationary term. Periods of non-practice do not relieve Applicant of the responsibility to comply with the terms and conditions of probation.

It shall be considered a violation of probation if for a total of two years Applicant fails to practice as a physician assistant. Applicant shall not be considered in violation for non-practice as long as Applicant is residing and practicing as a physician assistant in another state of the United States and is on active probation with the physician assistant licensing authority of that state, in which case the two year period shall begin on the date probation is completed or terminated in that state.

11) Unannounced Clinical Site Visit

The Board or its designee may make unannounced clinical site visits at any time to ensure that Applicant is complying with all terms and conditions of probation.

12) Condition Fulfillment

A course, evaluation, or treatment completed after the acts that gave rise to the charges in the Stipulation but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of the condition.

13) Completion of Probation

Applicant shall comply with all financial obligations (e.g., cost recovery, probation costs) no later than 60 calendar days prior to the completion of probation. Upon successful completion of probation, Applicant's license will be fully restored.

14) Violation of Probation

If Applicant violates probation in any respect, the Board after giving Applicant notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against Applicant during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

15) Probation Monitoring Costs

Applicant shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. The costs shall be made payable to the Physician Assistant Board and delivered to the Board no later than January 31 of each calendar year.

16) Voluntary License Surrender

Following the effective date of this probation, if Applicant ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy the terms and conditions of probation, Applicant may request, in writing, the voluntary surrender of Applicant's license to the Board. Applicant's written request to surrender his or her license shall include the following: his or her name, license number, case number, address of record, and an explanation of the reason(s) why Applicant seeks to surrender his or her license. The Board reserves the right to evaluate the Applicant's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Applicant shall not be relieved of the requirements of his or her probation unless the Board or its designee notifies Applicant in writing that Applicant's request to surrender his or her license has been accepted. Upon formal acceptance of the surrender, Applicant shall, within 15 days, deliver Applicant's wallet and wall certificate to the Board or its designee and shall no longer practice as a physician assistant. Applicant will no longer be subject to the terms and conditions of probation and the surrender of Applicant's license shall be deemed a disciplinary action. If Applicant re-applies for a physician assistant license, the application shall be treated as a petition for reinstatement of a revoked license.

If adopted by the Board as noted in Factual Findings paragraph 14 above, Applicant agrees to comply with the terms and conditions of the above Order.

Deborah Jean Charette

Deborah Jean Charette

1/9/2019

Date

Maureen L. Forsyth

Maureen L. Forsyth, Executive Officer
Physician Assistant Board

1-16-19

Date