

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

**In the Matter of the Accusation
Against:**

Kevin Ray Zimmermann, M.D.

**Physician's and Surgeon's
Certificate No. A 143783**

Respondent

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Case No. 800-2018-051030

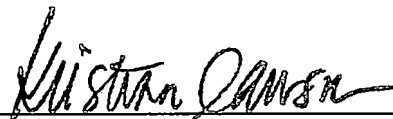
DECISION

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 November 1, 2019.

IT IS SO ORDERED: October 4, 2019.

MEDICAL BOARD OF CALIFORNIA



**Kristina D. Lawson, J.D., Chair
Panel B**

1 XAVIER BECERRA
Attorney General of California
2 MARY CAIN-SIMON
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Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 800-2018-051030

12 **KEVIN RAY ZIMMERMANN, M.D.**
13 **1209 Humphrey Dr**
14 **Suisun City CA 94585-1911**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 **Physician's and Surgeon's Certificate No. A**
16 **143783**

17 Respondent.

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

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
22 of California (Board). She brought this action solely in her official capacity and is represented in
23 this matter by Xavier Becerra, Attorney General of the State of California, by Mary Cain-Simon,
24 Supervising Deputy Attorney General.

25 2. KEVIN RAY ZIMMERMANN, M.D. (Respondent) is represented in this proceeding
26 by attorney Paul Chan, whose address is: 1851 Heritage Lane, Suite 128, Sacramento, CA
27 95815-4996
28

3. On July 13, 2016, the Board issued Physician's and Surgeon's Certificate No. A 143783 to KEVIN RAY ZIMMERMANN, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2018-051030, and will expire on May 31, 2020, unless renewed.

JURISDICTION

4. Accusation No. 800-2018-051030 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on April 16, 2019. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2018-051030 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2018-051030. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. 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.

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

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 800-2018-051030.

10. Respondent agrees that the Disciplinary Order below, requiring the disclosure of probation pursuant to Business and Professions Code section 2228.1, serves to protect the public interest.

11. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

12. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his 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 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 143783 issued to Respondent KEVIN RAY ZIMMERMANN, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for five years, on the following terms and conditions.

1 1. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall abstain
2 completely from the personal use or possession of controlled substances as defined in the
3 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and
4 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not
5 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide
6 illness or condition.

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

11 2. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the
12 use of products or beverages containing alcohol.

13 3. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
14 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
15 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
16 Respondent shall participate in and successfully complete that program. Respondent shall
17 provide any information and documents that the program may deem pertinent. Respondent shall
18 successfully complete the classroom component of the program not later than six (6) months after
19 Respondent's initial enrollment, and the longitudinal component of the program not later than the
20 time specified by the program, but no later than one (1) year after attending the classroom
21 component. The professionalism program shall be at Respondent's expense and shall be in
22 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

28 Respondent shall submit a certification of successful completion to the Board or its

1 designee not later than 15 calendar days after successfully completing the program or not later
2 than 15 calendar days after the effective date of the Decision, whichever is later.

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

10 The psychotherapist shall consider any information provided by the Board or its designee
11 and any other information the psychotherapist deems relevant and shall furnish a written
12 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
13 psychotherapist with any information and documents that the psychotherapist may deem
14 pertinent.

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

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

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

28 If Respondent fails to establish a practice with another physician or secure employment in

1 an appropriate practice setting within 60 calendar days of the effective date of this Decision,
2 Respondent shall receive a notification from the Board or its designee to cease the practice of
3 medicine within three (3) calendar days after being so notified. The Respondent shall not resume
4 practice until an appropriate practice setting is established.

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

1 6. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)
2 days of the effective date of this Decision, Respondent shall provide to the Board the names,
3 physical addresses, mailing addresses, and telephone numbers of any and all employers and
4 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's
5 worksite monitor, and Respondent's employers and supervisors to communicate regarding
6 Respondent's work status, performance, and monitoring.

7 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or
8 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff
9 privileges.

10 7. 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. Respondent shall
14 make daily contact with the Board or its designee to determine whether biological fluid testing is
15 required. Respondent shall be tested on the date of the notification as directed by the Board or its
16 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at
17 any time, including weekends and holidays. Except when testing on a specific date as ordered by
18 the Board or its designee, the scheduling of biological fluid testing shall be done on a random
19 basis. The cost of biological fluid testing shall be borne by the Respondent.

20 During the first year of probation, Respondent shall be subject to 52 to 104 random tests.
21 During the second year of probation and for the duration of the probationary term, up to five (5)
22 years, Respondent shall be subject to 36 to 104 random tests per year. Only if there has been no
23 positive biological fluid tests in the previous five (5) consecutive years of probation, may testing
24 be reduced to one (1) time per month. Nothing precludes the Board from increasing the number
25 of random tests to the first-year level of frequency for any reason.

26 Prior to practicing medicine, Respondent shall contract with a laboratory or service,
27 approved in advance by the Board or its designee, that will conduct random, unannounced,
28 observed, biological fluid testing and meets all of the following standards:

- 1 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry
2 Association or have completed the training required to serve as a collector for the United
3 States Department of Transportation.
- 4 (b) Its specimen collectors conform to the current United States Department of
5 Transportation Specimen Collection Guidelines.
- 6 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published
7 by the United States Department of Transportation without regard to the type of test
8 administered.
- 9 (d) Its specimen collectors observe the collection of testing specimens.
- 10 (e) Its laboratories are certified and accredited by the United States Department of Health
11 and Human Services.
- 12 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day
13 of receipt and all specimens collected shall be handled pursuant to chain of custody
14 procedures. The laboratory shall process and analyze the specimens and provide legally
15 defensible test results to the Board within seven (7) business days of receipt of the
16 specimen. The Board will be notified of non-negative results within one (1) business day
17 and will be notified of negative test results within seven (7) business days.
- 18 (g) Its testing locations possess all the materials, equipment, and technical expertise
19 necessary in order to test Respondent on any day of the week.
- 20 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens
21 for the detection of alcohol and illegal and controlled substances.
- 22 (i) It maintains testing sites located throughout California.
- 23 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line
24 computer database that allows the Respondent to check in daily for testing.
- 25 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff
26 access to drug test results and compliance reporting information that is available 24 hours a
27 day.
- 28 (l) It employs or contracts with toxicologists that are licensed physicians and have

1 knowledge of substance abuse disorders and the appropriate medical training to interpret
2 and evaluate laboratory biological fluid test results, medical histories, and any other
3 information relevant to biomedical information.

4 (m) It will not consider a toxicology screen to be negative if a positive result is obtained
5 while practicing, even if the Respondent holds a valid prescription for the substance.

6 Prior to changing testing locations for any reason, including during vacation or other travel,
7 alternative testing locations must be approved by the Board and meet the requirements above.

8 The contract shall require that the laboratory directly notify the Board or its designee of
9 non-negative results within one (1) business day and negative test results within seven (7)
10 business days of the results becoming available. Respondent shall maintain this laboratory or
11 service contract during the period of probation.

12 A certified copy of any laboratory test result may be received in evidence in any
13 proceedings between the Board and Respondent.

14 If a biological fluid test result indicates Respondent has used, consumed, ingested, or
15 administered to himself or herself a prohibited substance, the Board shall order Respondent to
16 cease practice and instruct Respondent to leave any place of work where Respondent is practicing
17 medicine or providing medical services. The Board shall immediately notify all of Respondent's
18 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or
19 provide medical services while the cease-practice order is in effect.

20 A biological fluid test will not be considered negative if a positive result is obtained while
21 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited
22 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

23 After the issuance of a cease-practice order, the Board shall determine whether the positive
24 biological fluid test is in fact evidence of prohibited substance use by consulting with the
25 specimen collector and the laboratory, communicating with the licensee, his treating physician(s),
26 other health care provider, or group facilitator, as applicable.

27 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the
28 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

1 For purposes of this condition, the term "prohibited substance" means an illegal drug, a
2 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by
3 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been
4 instructed by the Board not to use, consume, ingest, or administer to himself or herself.

5 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited
6 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the
7 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to
8 any other terms or conditions the Board determines are necessary for public protection or to
9 enhance Respondent's rehabilitation.

10 8. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days of
11 the effective date of this Decision, Respondent shall submit to the Board or its designee, for its
12 prior approval, the name of a substance abuse support group which he shall attend for the duration
13 of probation. Respondent shall attend substance abuse support group meetings at least once per
14 week, or as ordered by the Board or its designee. Respondent shall pay all substance abuse
15 support group meeting costs.

16 The facilitator of the substance abuse support group meeting shall have a minimum of three
17 (3) years experience in the treatment and rehabilitation of substance abuse, and shall be licensed
18 or certified by the state or nationally certified organizations. The facilitator shall not have a
19 current or former financial, personal, or business relationship with Respondent within the last five
20 (5) years. Respondent's previous participation in a substance abuse group support meeting led by
21 the same facilitator does not constitute a prohibited current or former financial, personal, or
22 business relationship.

23 The facilitator shall provide a signed document to the Board or its designee showing
24 Respondent's name, the group name, the date and location of the meeting, Respondent's
25 attendance, and Respondent's level of participation and progress. The facilitator shall report any
26 unexcused absence by Respondent from any substance abuse support group meeting to the Board,
27 or its designee, within twenty-four (24) hours of the unexcused absence.

28 9. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within thirty

1 (30) calendar days of the effective date of this Decision, Respondent shall submit to the Board or
2 its designee for prior approval as a worksite monitor, the name and qualifications of one or more
3 licensed physician and surgeon, other licensed health care professional if no physician and
4 surgeon is available, or, as approved by the Board or its designee, a person in a position of
5 authority who is capable of monitoring the Respondent at work.

6 The worksite monitor shall not have a current or former financial, personal, or familial
7 relationship with Respondent, or any other relationship that could reasonably be expected to
8 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its
9 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite
10 monitor, this requirement may be waived by the Board or its designee, however, under no
11 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

12 The worksite monitor shall have an active unrestricted license with no disciplinary action
13 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms
14 and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth
15 by the Board or its designee.

16 Respondent shall pay all worksite monitoring costs.

17 The worksite monitor shall have face-to-face contact with Respondent in the work
18 environment on as frequent a basis as determined by the Board or its designee, but not less than
19 once per week; interview other staff in the office regarding Respondent's behavior, if requested
20 by the Board or its designee; and review Respondent's work attendance.

21 The worksite monitor shall verbally report any suspected substance abuse to the Board and
22 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected
23 substance abuse does not occur during the Board's normal business hours, the verbal report shall
24 be made to the Board or its designee within one (1) hour of the next business day. A written
25 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and
26 any other information deemed important by the worksite monitor shall be submitted to the Board
27 or its designee within 48 hours of the occurrence.

28 The worksite monitor shall complete and submit a written report monthly or as directed by

1 the Board or its designee which shall include the following: (1) Respondent's name and
2 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)
3 the worksite monitor's license number, if applicable; (4) the location or location(s) of the
4 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the
5 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;
6 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can
7 lead to suspected substance abuse by Respondent. Respondent shall complete any required
8 consent forms and execute agreements with the approved worksite monitor and the Board, or its
9 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

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

19 10. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING
20 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of
21 probation.

22 A. If Respondent commits a major violation of probation as defined by section
23 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
24 one or more of the following actions:

25 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical
26 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
27 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice
28 order issued by the Board or its designee shall state that Respondent must test negative for at least

1 a month of continuous biological fluid testing before being allowed to resume practice. For
2 purposes of determining the length of time a Respondent must test negative while undergoing
3 continuous biological fluid testing following issuance of a cease-practice order, a month is
4 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until
5 notified in writing by the Board or its designee that he or she may do so.

6 (2) Increase the frequency of biological fluid testing.

7 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or
8 other action as determined by the Board or its designee.

9 B. If Respondent commits a minor violation of probation as defined by section
10 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
11 one or more of the following actions:

12 (1) Issue a cease-practice order;

13 (2) Order practice limitations;

14 (3) Order or increase supervision of Respondent;

15 (4) Order increased documentation;

16 (5) Issue a citation and fine, or a warning letter;

17 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in
18 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of
19 Regulations, at Respondent's expense;

20 (7) Take any other action as determined by the Board or its designee.

21 C. Nothing in this Decision shall be considered a limitation on the Board's authority
22 to revoke Respondent's probation if he or she has violated any term or condition of probation. If
23 Respondent violates probation in any respect, the Board, after giving Respondent notice and the
24 opportunity to be heard, may revoke probation and carry out the disciplinary order that was
25 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed
26 against Respondent during probation, the Board shall have continuing jurisdiction until the matter
27 is final, and the period of probation shall be extended until the matter is final.

28 11. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the

1 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
2 Chief Executive Officer at every hospital where privileges or membership are extended to
3 Respondent, at any other facility where Respondent engages in the practice of medicine,
4 including all physician and locum tenens registries or other similar agencies, and to the Chief
5 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
6 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
7 calendar days.

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

9 **12. PATIENT DISCLOSURE.**

10 Before a patient's first visit following the effective date of this order and while the respondent is
11 on probation, the respondent must provide all patients, or patient's guardian or health care
12 surrogate, with a separate disclosure that includes the respondent's probation status, the length of
13 the probation, the probation end date, all practice restrictions placed on the respondent by the
14 board, the board's telephone number, and an explanation of how the patient can find further
15 information on the respondent's probation on the respondent's profile page on the board's
16 website. Respondent shall obtain from the patient, or the patient's guardian or health care
17 surrogate, a separate, signed copy of that disclosure. Respondent shall not be required to provide
18 a disclosure if any of the following applies: (1) The patient is unconscious or otherwise unable to
19 comprehend the disclosure and sign the copy of the disclosure and a guardian or health care
20 surrogate is unavailable to comprehend the disclosure and sign the copy; (2) The visit occurs in
21 an emergency room or an urgent care facility or the visit is unscheduled, including consultations
22 in inpatient facilities; (3) Respondent is not known to the patient until immediately prior to the
23 start of the visit; (4) Respondent does not have a direct treatment relationship with the patient.

24 **13. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE**
25 **NURSES.** During probation, Respondent is prohibited from supervising physician assistants and
26 advanced practice nurses.

27 **14. OBEY ALL LAWS.** Respondent shall obey all federal, state and local laws, all rules
28 governing the practice of medicine in California and remain in full compliance with any court

1 ordered criminal probation, payments, and other orders.

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

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

7 16. GENERAL PROBATION REQUIREMENTS.

8 Compliance with Probation Unit

9 Respondent shall comply with the Board's probation unit.

10 Address Changes

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

16 Place of Practice

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

20 License Renewal

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

23 Travel or Residence Outside California

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

27 In the event Respondent should leave the State of California to reside or to practice
28 , Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of

1 departure and return.

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

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

19 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
20 months, Respondent shall successfully complete the Federation of State Medical Boards's Special
21 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
22 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model
23 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

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

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

26 Periods of non-practice for a Respondent residing outside of California will relieve
27 Respondent of the responsibility to comply with the probationary terms and conditions with the
28 exception of this condition and the following terms and conditions of probation: Obey All Laws;

1 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
2 Controlled Substances; and Biological Fluid Testing..

3 19. COMPLETION OF PROBATION. Respondent shall comply with all financial
4 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
5 completion of probation. Upon successful completion of probation, Respondent's certificate shall
6 be fully restored.

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

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

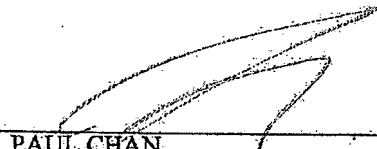
24 22. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
25 with probation monitoring each and every year of probation, as designated by the Board, which
26 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
27 California and delivered to the Board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

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Paul Chan. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 8/1/19
KEVIN RAY ZIMMERMANN, M.D.
Respondent

I have read and fully discussed with Respondent Kevin Ray Zimmermann, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 8/1/19
PAUL CHAN
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

DATED: Aug 27, 2017

Respectfully submitted,

XAVIER BECERRA
Attorney General of California



MARY CAIN-SIMON
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2018-051030

1 XAVIER BECERRA
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2 MARY CAIN-SIMON
Supervising Deputy Attorney General
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6 Attorneys for Complainant

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 800-2018-051030

11 **KEVIN RAY ZIMMERMANN, M.D.**
12 1209 Humphrey Dr
Suisun City, CA 94585-1911

A C C U S A T I O N

13 Physician's and Surgeon's Certificate No. A 143783

14 Respondent.

15
16 The Complainant alleges:

17 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
18 of California, Department of Consumer Affairs, and brings this Accusation solely in her official
19 capacity.

20 2. On July 13, 2016, Physician's and Surgeon's Certificate No. A 143783 was issued by
21 the Medical Board of California (Board) to Kevin Ray Zimmermann, M.D. (Respondent). The
22 certificate is renewed and current with an expiration date of May 31, 2020.

23 **JURISDICTION**

24 3. This Accusation is brought before the Medical Board of California under the
25 authority of the following sections of the California Business and Professions Code (Code) and/or
26 other relevant statutory enactment:

27 A. Section 2227 of the Code provides in part that the Board may revoke, suspend for a
28 period not to exceed one year, or place on probation, the license of any licensee who has

1 been found guilty under the Medical Practice Act, and may recover the costs of probation
2 monitoring.

3 B. Section 2305 of the Code provides, in part, that the revocation, suspension, or other
4 discipline, restriction or limitation imposed by another state upon a license to practice
5 medicine issued by that state, or the revocation, suspension, or restriction of the authority
6 to practice medicine by any agency of the federal government, that would have been
7 grounds for discipline in California under the Medical Practice Act, constitutes grounds for
8 discipline for unprofessional conduct.

9 C. Section 141 of the Code provides:

10 “(a) For any licensee holding a license issued by a board under the
11 jurisdiction of a department, a disciplinary action taken by another state, by any
12 agency of the federal government, or by another country for any act
13 substantially related to the practice regulated by the California license, may be
14 a ground for disciplinary action by the respective state licensing board. A
15 certified copy of the record of the disciplinary action taken against the licensee
16 by another state, an agency of the federal government, or by another country
17 shall be conclusive evidence of the events related therein.

18 “(b) Nothing in this section shall preclude a board from applying a
19 specific statutory provision in the licensing act administered by the board that
20 provides for discipline based upon a disciplinary action taken against the
21 licensee by another state, an agency of the federal government, or another
22 country.”

23 FIRST CAUSE FOR DISCIPLINE

24 (Discipline, Restriction, or Limitation Imposed by Federal Agency)

25 4. On December 19, 2017, the Department of the Air Force issued a Final Decision in a
26 Clinical Adverse Action Proceeding Re: Maj. Kevin R. Zimmermann. The Final Decision
27 imposed a restriction of Respondent's clinical practice for a period of no less than one year. The
28 terms of the restriction were that Respondent, an anesthesiologist, was restricted to clinical
activities that did not require access to or use of controlled and/or psychoactive substances; he
could have no exposure, access, or privileges to prescribe controlled and/or psychoactive
substances; all access to prescribing devices and authority was removed; he was to comply with
the requirements of a five year monitoring period with the Pacific assistance Group; he was to
comply with requirements of military mental health; and, there would be surveillance of
adherence to the program of restriction. The Final Decision was based on an August 2016

1 incident which occurred at Bagram Air Field, Afghanistan. Respondent appropriated and self-
2 administered the drug Propofol from hospital supplies, while he was the only anesthesiologist on
3 duty at the hospital.

4 5. Respondent's conduct and the action of the Department of the Air Force, as set forth
5 in paragraph 4, above, constitute cause for discipline pursuant to sections 2305 and/or 141 of the
6 Code.

7 **PRAYER**

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

10 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 143783,
11 issued to Kevin Ray Zimmermann, M.D.;

12 2. Revoking, suspending or denying approval of Kevin Ray Zimmermann, M.D.'s
13 authority to supervise physician assistants and advanced practice nurses;

14 3. Ordering Kevin Ray Zimmermann, M.D., if placed on probation, to pay the Board the
15 costs of probation monitoring; and

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

17
18 DATED: April 16, 2019


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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