

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

**In the Matter of the Accusation** )  
**Against:** )  
 )  
 )  
**Lal Kaye Yilmaz Gonzalez, M.D.** )  
 )  
**Physician's and Surgeon's** )  
**Certificate No. A 71198** )  
 )  
**Respondent** )  
\_\_\_\_\_ )

**Case No. 800-2018-047172**


**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 December 18, 2019.

IT IS SO ORDERED: November 18, 2019.

**MEDICAL BOARD OF CALIFORNIA**

  
\_\_\_\_\_  
**Ronald H. Lewis, M.D., Chair**  
**Panel A**

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 State Bar No. 116564  
4 455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
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6 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 800-2018-047172

12 **LAL KAYE YILMAZ GONZALEZ, M.D.**  
13 1980 Meadow Road  
Walnut Creek, CA 94595

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

14 Physician's and Surgeon's Certificate No. A  
15 71198

16 Respondent.

17  
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 Jane Zack Simon,  
Supervising Deputy Attorney General.

24 2. Respondent Lal Kaye Yilmaz Gonzalez, M.D. (Respondent) is represented in this  
25 proceeding by attorney Thomas E. Still of Hinshaw, Marsh, Still & Hinshaw, LLP, 12901  
26 Saratoga Avenue, Saratoga, CA 95070.  
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1 facie case with respect to the charges and allegations in the Accusation, and Respondent hereby  
2 gives up her right to contest those charges.

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

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

9 **RESERVATION**

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

14 **CONTINGENCY**

15 13. This stipulation shall be subject to approval by the Medical Board of California.  
16 Respondent understands and agrees that counsel for Complainant and the staff of the Medical  
17 Board of California may communicate directly with the Board regarding this stipulation and  
18 settlement, without notice to or participation by Respondent or her counsel. By signing the  
19 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek  
20 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
21 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
22 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
23 action between the parties, and the Board shall not be disqualified from further action by having  
24 considered this matter.

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

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1           4. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the  
2 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice  
3 where: 1) Respondent merely shares office space with another physician but is not affiliated for  
4 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that  
5 location. If Respondent fails to establish a practice with another physician or secure employment  
6 in an appropriate practice setting within 60 calendar days of the effective date of this Decision,  
7 Respondent shall receive a notification from the Board or its designee to cease the practice of  
8 medicine within three (3) calendar days after being so notified. The Respondent shall not resume  
9 practice until an appropriate practice setting is established.

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

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

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

27           6. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to  
28 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.

1 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair  
2 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall  
3 make daily contact with the Board or its designee to determine whether biological fluid testing is  
4 required. Respondent shall be tested on the date of the notification as directed by the Board or its  
5 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at  
6 any time, including weekends and holidays. Except when testing on a specific date as ordered by  
7 the Board or its designee, the scheduling of biological fluid testing shall be done on a random  
8 basis. The cost of biological fluid testing shall be borne by the Respondent.

9 Throughout the probationary term, Respondent shall be subject to 36 to 104 random tests  
10 per year. Only if there has been no positive biological fluid tests in the previous five (5)  
11 consecutive years of probation, may testing be reduced to one (1) time per month. Nothing  
12 precludes the Board from increasing the number of random tests to the standard first-year level of  
13 frequency (52-104 random tests) for any reason.

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

- 17 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry  
18 Association or have completed the training required to serve as a collector for the United  
19 States Department of Transportation.
- 20 (b) Its specimen collectors conform to the current United States Department of  
21 Transportation Specimen Collection Guidelines.
- 22 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published  
23 by the United States Department of Transportation without regard to the type of test  
24 administered.
- 25 (d) Its specimen collectors observe the collection of testing specimens.
- 26 (e) Its laboratories are certified and accredited by the United States Department of Health  
27 and Human Services.
- 28 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day

1 of receipt and all specimens collected shall be handled pursuant to chain of custody  
2 procedures. The laboratory shall process and analyze the specimens and provide legally  
3 defensible test results to the Board within seven (7) business days of receipt of the  
4 specimen. The Board will be notified of non-negative results within one (1) business day  
5 and will be notified of negative test results within seven (7) business days.

6 (g) Its testing locations possess all the materials, equipment, and technical expertise  
7 necessary in order to test Respondent on any day of the week.

8 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens  
9 for the detection of alcohol and illegal and controlled substances.

10 (i) It maintains testing sites located throughout California.

11 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line  
12 computer database that allows the Respondent to check in daily for testing.

13 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff  
14 access to drug test results and compliance reporting information that is available 24 hours a  
15 day.

16 (l) It employs or contracts with toxicologists that are licensed physicians and have  
17 knowledge of substance abuse disorders and the appropriate medical training to interpret  
18 and evaluate laboratory biological fluid test results, medical histories, and any other  
19 information relevant to biomedical information.

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

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

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

28 A certified copy of any laboratory test result may be received in evidence in any



1 proceedings between the Board and Respondent.

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

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

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

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

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

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

26 7. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days of  
27 the effective date of this Decision, Respondent shall submit to the Board or its designee, for its  
28 prior approval, the name of a substance abuse support group which he or she shall attend for the

1 duration of probation. Respondent shall attend substance abuse support group meetings at least  
2 once per week, or as ordered by the Board or its designee. Respondent shall pay all substance  
3 abuse support group meeting costs.

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

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

16 8. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within thirty  
17 (30) calendar days of the effective date of this Decision, Respondent shall submit to the Board or  
18 its designee for prior approval as a worksite monitor, the name and qualifications of one or more  
19 licensed physician and surgeon, other licensed health care professional if no physician and  
20 surgeon is available, or, as approved by the Board or its designee, a person in a position of  
21 authority who is capable of monitoring the Respondent at work.

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

28 The worksite monitor shall have an active unrestricted license with no disciplinary action

1 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms  
2 and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth  
3 by the Board or its designee.

4 Respondent shall pay all worksite monitoring costs.

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

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

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

26 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)  
27 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior  
28 approval, the name and qualifications of a replacement monitor who will be assuming that

1 responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a  
2 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the  
3 monitor, Respondent shall receive a notification from the Board or its designee to cease the  
4 practice of medicine within three (3) calendar days after being so notified. Respondent shall  
5 cease the practice of medicine until a replacement monitor is approved and assumes monitoring  
6 responsibility.

7 9. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING  
8 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of  
9 probation.

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

13 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical  
14 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of  
15 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice  
16 order issued by the Board or its designee shall state that Respondent must test negative for at least  
17 a month of continuous biological fluid testing before being allowed to resume practice. For  
18 purposes of determining the length of time a Respondent must test negative while undergoing  
19 continuous biological fluid testing following issuance of a cease-practice order, a month is  
20 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until  
21 notified in writing by the Board or its designee that he or she may do so.

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

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

25 B. If Respondent commits a minor violation of probation as defined by section  
26 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take  
27 one or more of the following actions:

28 (1) Issue a cease-practice order;

- 1 (2) Order practice limitations;  
2 (3) Order or increase supervision of Respondent;  
3 (4) Order increased documentation;  
4 (5) Issue a citation and fine, or a warning letter;  
5 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in  
6 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of  
7 Regulations, at Respondent's expense;  
8 (7) Take any other action as determined by the Board or its designee.

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

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

25 11. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE  
26 NURSES. During probation, Respondent is prohibited from supervising physician assistants and  
27 advanced practice nurses. Respondent may utilize the services of physician assistants, advance  
28 practice nurses, and other operating room personnel, in a hospital setting.

1           12. OBEDY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules  
2 governing the practice of medicine in California and remain in full compliance with any court  
3 ordered criminal probation, payments, and other orders.

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

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

9           14. GENERAL PROBATION REQUIREMENTS.

10           Compliance with Probation Unit

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

12           Address Changes

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

18           Place of Practice

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

22           License Renewal

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

25           Travel or Residence Outside California

26           Respondent shall immediately inform the Board or its designee, in writing, of travel to any  
27 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty  
28 (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 15. 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 16. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or its  
8 designee in writing within 15 calendar days of any periods of non-practice lasting more than 30  
9 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 as defined in Business and  
11 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct  
12 patient care, clinical activity or teaching, or other activity as approved by the Board. If  
13 Respondent resides in California and is considered to be in non-practice, Respondent shall  
14 comply with all terms and conditions of probation. All time spent in an intensive training  
15 program which has been approved by the Board or its designee shall not be considered non-  
16 practice and does not relieve Respondent from complying with all the terms and conditions of  
17 probation. Practicing medicine in another state of the United States or Federal jurisdiction while  
18 on probation with the medical licensing authority of that state or jurisdiction shall not be  
19 considered non-practice. A Board-ordered suspension of practice shall not be considered as a  
20 period of non-practice.

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

26 Respondent's period of non-practice while on probation shall not exceed two (2) years.  
27 Periods of non-practice will not apply to the reduction of the probationary term. Periods of non-  
28 practice for a Respondent residing outside of California will relieve Respondent of the

1 responsibility to comply with the probationary terms and conditions with the exception of this  
2 condition and the following terms and conditions of probation: Obey All Laws; General Probation  
3 Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or Controlled  
4 Substances; and Biological Fluid Testing.

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

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

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

26 20. PROBATION MONITORING COSTS. Respondent shall pay the costs associated with  
27 probation monitoring each and every year of probation, as designated by the Board, which may be  
28 adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and



1 delivered to the Board or its designee no later than January 31 of each calendar year.

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

17 ACCEPTANCE


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

23 DATED: 10/24/19

24   
25 LAL KAYE YILMAZ GONZALEZ, M.D.  
26 Respondent  
27  
28

1 I have read and fully discussed with Respondent Lal Kaye Yilmaz Gonzalez, M.D. the  
2 terms and conditions and other matters contained in the above Stipulated Settlement and  
3 Disciplinary Order. I approve its form and content.

4 DATED: 10/24/2019

  
THOMAS E. STILL  
Attorney for Respondent

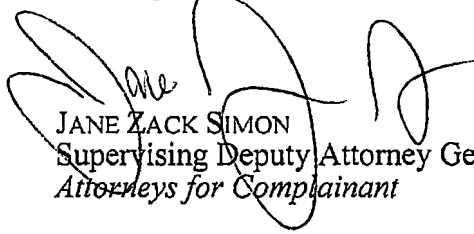
6 **ENDORSEMENT**

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

9 DATED: 10/28/19

Respectfully submitted,

11 XAVIER BECERRA  
Attorney General of California

  
13 JANE ZACK SIMON  
14 Supervising Deputy Attorney General  
15 Attorneys for Complainant

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**Exhibit A**

**Accusation No. 800-2018-047172**

1 XAVIER BECERRA  
Attorney General of California  
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FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO July 10 20 19  
BY ANDREA CERMA ANALYST

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

12 In the Matter of the Accusation Against:  
13 **Lal Kaye Yilmaz Gonzalez, M.D.**  
14 1980 Meadow Road  
Walnut Creek, CA 94595  
15 Physician's and Surgeon's Certificate  
No. A 71198,  
16  
17 Respondent.

Case No. 800-2018-047172

**A C C U S A T I O N**

18 **PARTIES**

- 19 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
20 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
21 Affairs (Board).  
22 2. On March 24, 2000, the Medical Board issued Physician's and Surgeon's Certificate  
23 Number A 71198 to Lal Kaye Yilmaz Gonzalez, M.D. (Respondent). The Physician's and  
24 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
25 herein and will expire on September 30, 2021, unless renewed.  
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1 **JURISDICTION**

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

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

9 5. Section 2234 of the Code requires the Board to take action against any licensee who  
10 is charged with unprofessional conduct.

11 6. Section 2236 of the Code provides that the conviction of any offense substantially  
12 related to the qualifications, functions, or duties of a physician and surgeon constitutes  
13 unprofessional conduct.

14 7. Section 2239 of the Code provides that the use of alcoholic beverages, to the extent,  
15 or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the  
16 public, or to the extent that such use impairs the ability of the licensee to practice medicine safely  
17 constitutes unprofessional conduct.

18 8. Section 2228.1 of the Code provides, in pertinent part, that the Board shall require a  
19 licensee who is disciplined based on drug or alcohol abuse to the extent that such use impairs the  
20 ability of the licensee to practice safely to disclose to his or her patients information regarding his  
21 or her probation status. The licensee is required to disclose: Probation status, the length of the  
22 probation, the probation end date, all practice restrictions placed on the license by the Board, the  
23 Board's telephone number, and an explanation of how the patient can find further information on  
24 the licensee's probation on the Board's Internet Web site.

25 **FIRST CAUSE FOR DISCIPLINE**

26 (Unprofessional Conduct: Conviction of a Crime/Dangerous Use of Alcohol)

27 9. On July 31, 2018, Walnut Creek police officers responded to a report of a non-injury  
28 automobile accident. Officers determined that Respondent hit two cars as she attempted to leave

1 a parking structure. Respondent's 13 year old daughter was a passenger in her vehicle. Officers  
2 noted that Respondent appeared to be under the influence of alcohol, although she denied  
3 consuming any alcohol. Respondent performed poorly on field sobriety tests and refused to  
4 submit to a preliminary alcohol screening test. Respondent was arrested and taken to the police  
5 station, where she refused to submit to a chemical test. A blood sample obtained pursuant to a  
6 search warrant revealed a blood alcohol level of .275%.

7 10. Respondent was charged in Contra Costa County Superior Court with violations  
8 related to driving under the influence of alcohol (Vehicle Code sections 23152(a), 23152(b)), with  
9 enhancements for the very high blood alcohol level, child cruelty/endangerment (Penal Code  
10 section 273(a)) and hit and run driving (Vehicle Code section 20002(a).) Pursuant to a plea  
11 bargain agreement, on January 24, 2019, Respondent was convicted of driving under the  
12 influence of alcohol, with an enhancement for the high blood alcohol level. She was sentenced to  
13 court probation for 4 years, 10 days in custody and completion of a 9 month alcohol education  
14 program. She was required to participate in the Pacific Assistance Group physician monitoring  
15 program, and in exchange for dismissal of the child endangerment charge, ordered to complete an  
16 8 week parenting program.

17 11. Respondent's criminal conviction for driving under the influence of alcohol with a  
18 blood alcohol level more than three times the legal limit is substantially related to the  
19 qualifications, functions and duties of a physician and surgeon, and constitutes cause for  
20 discipline for unprofessional conduct pursuant to sections 2234 and/or 2236 of the Code.

21 12. Respondent's conduct in driving under the influence of alcohol, with her minor child  
22 in the car and with an alarmingly high blood alcohol level, constitutes unprofessional conduct and  
23 the use of alcohol in a dangerous manner, and cause for discipline pursuant to sections 2234  
24 and/or 2239 of the Code.

25 **DISCIPLINARY CONSIDERATIONS**

26 13. To determine the degree of discipline to be imposed on Respondent, Complainant  
27 alleges that on March 22, 2005, Respondent was found guilty in Sonoma County Superior Court  
28

1 of driving under the influence of alcohol. In that case, Respondent's blood alcohol level was in  
2 excess of .15%.

3 **PRAYER**

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

- 6 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 71198,  
7 issued to Lal Kaye Yilmaz Gonzalez, M.D.;
- 8 2. Revoking, suspending or denying approval of Lal Kaye Yilmaz Gonzalez, M.D.'s  
9 authority to supervise physician assistants and advanced practice nurses;
- 10 3. Ordering Lal Kaye Yilmaz Gonzalez, M.D., if placed on probation, to pay the Board  
11 the costs of probation monitoring;
- 12 4. Ordering Respondent, if placed on probation, to provide patient notification in  
13 accordance with Business and Professions Code section 2228.1; and
- 14 5. Taking such other and further action as deemed necessary and proper.

15  
16 DATED: July 10, 2019

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

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