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

In the Matter of the Accusation Against:	)	
Jeffrey L. Thomas, M.D.	)	**Case No. 800-2016-023118**
Physician's and Surgeon's Certificate No. A 67160	)	
Respondent	)	

DECISION

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

This Decision shall become effective at 5:00 p.m. on January 2, 2020.

IT IS SO ORDERED December 3, 2019.

MEDICAL BOARD OF CALIFORNIA

By: Kristina Lawson

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

XAVIER BECERRA
Attorney General of California
STEVE DIEHL
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Attorneys for Complainant

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

In the Matter of the Accusation Against: **JEFFREY LAUREN THOMAS, M.D.** **2210 E. Illinois, Suite 505** **Fresno, CA 93710** **Physician's and Surgeon's Certificate No. A 67160** Respondent.	Case No. 800-2016-023118 OAH No. 2018110421 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and the responsibility of the Medical Board of California of the Department of Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will be submitted to the Board for approval and adoption as the final disposition of the Accusation.

PARTIES

1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board of California (Board). She brought this action solely in her official capacity and is represented in

this matter by Xavier Becerra, Attorney General of the State of California, by Sarah J. Jacobs, Deputy Attorney General.

2. Respondent Jeffrey Lauren Thomas, M.D. (Respondent) is represented in this proceeding by attorney Michael F. Ball, whose address is: 7647 North Fresno Street, Fresno, CA 93720.

3. On or about December 11, 1998, the Board issued Physician's and Surgeon's Certificate No. A 67160 to Jeffrey Lauren Thomas, 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. 800-2016-023118, and will expire on August 31, 2020, unless renewed.

JURISDICTION

Accusation No. 800-2016-023118 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 September 25, 2018. Respondent timely filed his Notice of Defense contesting the Accusation.

4. A copy of Accusation No. 800-2016-023118 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2016-023118. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

CULPABILITY

8. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2016-023118, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

10. 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.

11. 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.

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12. 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:

1. PUBLIC REPRIMAND. Physician's and Surgeon's Certificate No. A 67160 issued to Respondent Jeffrey Lauren Thomas, M.D. shall be and is hereby Publicly Reprimanded pursuant to California Business and Professions Code, section 2227, subdivision (a)(4). This Public Reprimand is issued in connection with the conduct as set forth in Accusation No. 800-2016-023118.

2. CLINICAL COMPETENCE ASSESSMENT PROGRAM. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a clinical competence assessment program approved in advance by the Board or its designee. Respondent shall successfully complete the program not later than six (6) months after Respondent's initial enrollment unless the Board or its designee agrees in writing to an extension of that time.

The program shall consist of a comprehensive assessment of Respondent's physical and mental health and the six general domains of clinical competence as defined by the Accreditation Council on Graduate Medical Education and American Board of Medical Specialties pertaining to Respondent's current or intended area of practice. The program shall take into account data obtained from the pre-assessment, self-report forms and interview, and the Decision(s), Accusation(s), and any other information that the Board or its designee deems relevant. The program shall require Respondent's on-site participation for a minimum of three (3) and no more than five (5) days as determined by the program for the assessment and clinical education evaluation. Respondent shall pay all expenses associated with the clinical competence assessment program.

At the end of the evaluation, the program will submit a report to the Board or its designee which unequivocally states whether the Respondent has demonstrated the ability to practice safely and independently. Based on Respondent's performance on the clinical competence

assessment, the program will advise the Board or its designee of its recommendation(s) for the scope and length of any additional educational or clinical training, evaluation or treatment for any medical condition or psychological condition, or anything else affecting Respondent's practice of medicine. Respondent shall comply with the program's recommendations.

Determination as to whether Respondent successfully completed the clinical competence assessment program is solely within the program's jurisdiction.

If Respondent fails to enroll, participate in, or successfully complete the clinical competence assessment program within the designated time period, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. The Respondent shall not resume the practice of medicine until enrollment or participation in the outstanding portions of the clinical competence assessment program have been completed. If the Respondent did not successfully complete the clinical competence assessment program, the Respondent shall not resume the practice of medicine until a final decision has been rendered on the accusation and/or a petition to revoke probation. Failure to participate in and successfully complete the clinical competence assessment program outlined above shall constitute unprofessional conduct and is grounds for further disciplinary action.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Michael F. Ball. 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: 9/30/2019

JEFFREY LAUREN THOMAS, M.D.
Respondent

I have read and fully discussed with Respondent Jeffrey Lauren Thomas, 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: 9/25/2019

MICHAEL F. BADL
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order in the matter of Respondent Jeffrey Lauren Thomas, M.D., is hereby respectfully submitted for consideration by the Medical Board of California.

DATED: 10-1-19

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
STEVE DIEHL
Supervising Deputy Attorney General

SARAH J. JACOBS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2016-023118

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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO September 25 2018
ANALYST

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

In the Matter of the Accusation Against: **JEFFREY LAUREN THOMAS, M.D.** **2210 E. Illinois, Suite 505** **Fresno, CA 93710** **Physician's and Surgeon's Certificate No. A67160,** Respondent.	Case No. 800-2016-023118 **ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about December 11, 1998, the Medical Board issued Physician's and Surgeon's Certificate No. A67160 to Jeffrey Lauren Thomas, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2020, unless renewed.

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JURISDICTION

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

4. Section 2227 of the Code states:

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

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

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

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

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

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

"(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1."

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

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

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

"(b) Gross negligence.

"(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

"(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

"(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

"..."

FIRST CAUSE FOR DISCIPLINE
(Gross Negligence)

6. Respondent has subjected his Physician's and Surgeon's Certificate No. A67160 to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of the Code, in that Respondent committed gross negligence in his care and treatment of Patient A[1], as more particularly alleged hereinafter:

7. On or about September 30, 2014, thirty-seven-year-old Patient A, presented to Respondent for the first time with a suspected pregnancy of eleven weeks' gestation. Patient A's history included two prior pregnancies with deliveries by cesarean section. Patient A reported experiencing some cramping, but denied any vaginal bleeding. Patient A expressed uncertainty regarding the date of her last menstrual period, estimating it to have been July 15, 2014.

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[1] To protect the privacy of the patient involved, the patient's name has not been included in this pleading. Respondent is aware of the identity of the patient referred to herein.

8. At this initial visit, Respondent performed a pelvic exam and pap smear on Patient A. Respondent palpated the patient's uterus, which he found to be just below the umbilicus. Respondent performed a transvaginal ultrasound on the patient, which revealed a twenty weeks' size uterus with a "snowstorm appearance." No gestational sac or fetal parts were visualized. Respondent did not utilize abdominal ultrasonography, or attempt to listen to fetal heart tones. Respondent did not diagnose or rule out placenta accrete.[2] At the conclusion of this visit, Respondent diagnosed Patient A with a molar pregnancy,[3] referred her for lab work that included her quantitative chorionic gonadotropin (hCG) levels, and scheduled the patient for a dilation of the cervix and evacuation of the contents of the uterus (D & E).

9. On or about October 6, 2014, Respondent received Patient A's hCG lab results, which revealed levels of 48,876. Respondent did not send the patient for repeat labs.

10. On or about October 8, 2014, Patient A presented to Respondent for the scheduled D & E of a suspected molar pregnancy. Prior to the surgery, Respondent did not utilize abdominal ultrasonography, or attempt to listen to fetal heart tones. During the procedure, the patient was noted to have some bleeding following decompression of the uterus and a Bier clamp was placed into the uterine cavity, which returned fetal parts. Upon extraction of fetal parts, bleeding continued. After an attempt to place a Foley balloon for tamponade failed, Respondent proceeded to perform a total abdominal hysterectomy on the patient. Upon further inspection of the uterus, Respondent noted a placenta percreta,[4] disrupting the cesarean section scar. Due to the excessive bleeding, Patient A required a large amount of replacement blood products, and was admitted overnight to the Intensive Care Unit for observation.

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[2] Placenta accreta occurs when the placenta attaches too deep in the uterine wall but it does not penetrate the uterine muscle. It is a potentially life-threatening condition, as the patient is at high-risk for severe hemorrhage, as any disruption of the utero-placental interface will result in excessive bleeding.

[3] A molar pregnancy is a rare complication of pregnancy characterized by the abnormal growth of trophoblasts, the cells that normally develop into the placenta. In a complete molar pregnancy, the placental tissue is abnormal and swollen, appears to form fluid-filled cysts, and there is no formation of fetal tissue. In a partial molar pregnancy, there may be normal placental tissue along with abnormally forming placental tissue. There may also be formation of a fetus, but the fetus is not able to survive, and is usually miscarried early in the pregnancy.

[4] Placenta percreta occurs when the placenta penetrates through the entire uterine wall and attaches to another organ such as the bladder.

11. On or about November 1, 2014, the surgical pathology results confirmed the presence of placenta percreta, as well as normal fetal parts which measured approximately eighteen weeks' gestation.

12. Respondent committed gross negligence in his care and treatment of Patient A, which included, but was not limited to, the following:

A. Failing to properly identify the patient's normal 18-week fetus; and

B. Utilizing transvaginal sonography, to the exclusion of abdominal ultrasonography.

SECOND CAUSE FOR DISCIPLINE
(Repeated Negligent Acts)

13. Respondent has further subjected his Physician's and Surgeon's Certificate No. A67160 to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (c), of the Code, in that Respondent committed repeated negligent acts in his care and treatment of Patient A, which included, but was not limited to the following:

A. Paragraphs 6 through 12, above, are hereby incorporated by reference and realleged as if fully set forth herein;

B. Failing to recognize a normal intra-uterine pregnancy and incorrectly diagnosing it as a molar gestation;

C. Failing to properly evaluate the patient for placenta accreta; and

D. Failing to diagnose placenta percreta pre-operatively.

PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate No. A67160, issued to Respondent, Jeffrey Lauren Thomas, M.D.;

2. Revoking, suspending or denying approval of Respondent, Jeffrey Lauren Thomas, M.D.'s authority to supervise physician assistants and advanced practice nurses;

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3. Ordering Respondent, Jeffrey Lauren Thomas, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: September 25, 2018

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

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