

**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.)
)
Physician's and Surgeon's)
Certificate No. A 67160)
)
Respondent)
_____)

Case No. 800-2016-023118

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

1 XAVIER BECERRA
Attorney General of California
2 STEVE DIEHL
Supervising Deputy Attorney General
3 SARAH J. JACOBS
Deputy Attorney General
4 State Bar No. 255899
California Department of Justice
5 2550 Mariposa Mall, Room 5090
Fresno, CA 93721
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:
13 **JEFFREY LAUREN THOMAS, M.D.**
14 **2210 E. Illinois, Suite 505**
15 **Fresno, CA 93710**
16 **Physician's and Surgeon's Certificate No. A**
67160
17 Respondent.

Case No. 800-2016-023118

OAH No. 2018110421

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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19
20 In the interest of a prompt and speedy settlement of this matter, consistent with the public
21 interest and the responsibility of the Medical Board of California of the Department of Consumer
22 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order
23 which will be submitted to the Board for approval and adoption as the final disposition of the
24 Accusation.

25 **PARTIES**

26 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
27 of California (Board). She brought this action solely in her official capacity and is represented in
28

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

3 2. Respondent Jeffrey Lauren Thomas, M.D. (Respondent) is represented in this
4 proceeding by attorney Michael F. Ball, whose address is: 7647 North Fresno Street, Fresno, CA
5 93720.

6 3. On or about December 11, 1998, the Board issued Physician's and Surgeon's
7 Certificate No. A 67160 to Jeffrey Lauren Thomas, M.D. (Respondent). The Physician's and
8 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in
9 Accusation No. 800-2016-023118, and will expire on August 31, 2020, unless renewed.

10 JURISDICTION

11 Accusation No. 800-2016-023118 was filed before the Board, and is currently pending
12 against Respondent. The Accusation and all other statutorily required documents were properly
13 served on Respondent on September 25, 2018. Respondent timely filed his Notice of Defense
14 contesting the Accusation.

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

17 ADVISEMENT AND WAIVERS

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

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

28

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

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED:

6 1. PUBLIC REPRIMAND. Physician's and Surgeon's Certificate No. A 67160 issued
7 to Respondent Jeffrey Lauren Thomas, M.D. shall be and is hereby Publicly Reprimanded
8 pursuant to California Business and Professions Code, section 2227, subdivision (a)(4). This
9 Public Reprimand is issued in connection with the conduct as set forth in Accusation No. 800-
10 2016-023118.

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

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

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

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

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

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

17 **ACCEPTANCE**

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

25 
26 _____
27 JEFFREY LAUREN THOMAS, M.D.
28 Respondent

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

4
5
6 DATED: 9/25/2019



7 MICHAEL F. BADL
8 Attorney for Respondent

9 **ENDORSEMENT**

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

13 DATED: 10-1-19

14 Respectfully submitted,

15 XAVIER BECERRA
16 Attorney General of California
17 STEVE DIEHL
18 Supervising Deputy Attorney General



19 SARAH J. JACOBS
20 Deputy Attorney General
21 Attorneys for Complainant

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Exhibit A

Accusation No. 800-2016-023118

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XAVIER BECERRA
Attorney General of California
ALEXANDRA M. ALVAREZ
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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO September 29 2018
ANALYST

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. 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.

///

JURISDICTION

1
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 states:

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

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

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

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

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

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

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

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

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

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

3 “(b) Gross negligence.

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

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

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

14 “...”

15 **FIRST CAUSE FOR DISCIPLINE**
16 **(Gross Negligence)**

17 6. Respondent has subjected his Physician's and Surgeon's Certificate No. A67160 to
18 disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of
19 the Code, in that Respondent committed gross negligence in his care and treatment of Patient A¹,
20 as more particularly alleged hereinafter:

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

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27 _____
28 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.

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

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

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

22 ² Placenta accreta occurs when the placenta attaches too deep in the uterine wall but it does not
23 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.

24 ³ A molar pregnancy is a rare complication of pregnancy characterized by the abnormal growth of
25 trophoblasts, the cells that normally develop into the placenta. In a complete molar pregnancy, the
26 placental tissue is abnormal and swollen, appears to form fluid-filled cysts, and there is no formation of
27 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.

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

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

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

- 6 A. Failing to properly identify the patient's normal 18-week fetus; and
7 B. Utilizing transvaginal sonography, to the exclusion of abdominal
8 ultrasonography.

9 **SECOND CAUSE FOR DISCIPLINE**
10 **(Repeated Negligent Acts)**

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

- 15 A. Paragraphs 6 through 12, above, are hereby incorporated by reference and
16 realleged as if fully set forth herein;
17 B. Failing to recognize a normal intra-uterine pregnancy and incorrectly
18 diagnosing it as a molar gestation;
19 C. Failing to properly evaluate the patient for placenta accreta; and
20 D. Failing to diagnose placenta percreta pre-operatively.

21 **PRAYER**

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

- 24 1. Revoking or suspending Physician's and Surgeon's Certificate No. A67160, issued
25 to Respondent, Jeffrey Lauren Thomas, M.D.;
26 2. Revoking, suspending or denying approval of Respondent, Jeffrey Lauren
27 Thomas, M.D.'s authority to supervise physician assistants and advanced practice nurses;

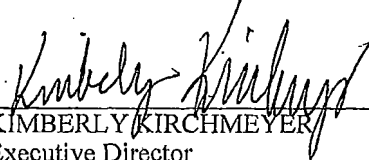
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3. Ordering Respondent, Jeffrey Lauren Thomas, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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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