

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

In the Matter of the Accusation)
Against:)
)
)
JEFFERSON OCHSNER JANES, M.D.)
)
Physician's and Surgeon's)
Certificate No. G 23520)
)
Respondent)
_____)

Case No. 800-2018-048083

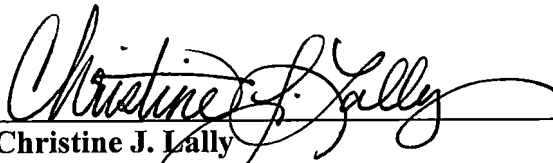
DECISION

The attached Stipulated Surrender of License 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 20, 2019.

IT IS SO ORDERED December 13, 2019.

MEDICAL BOARD OF CALIFORNIA



Christine J. Lally
Interim Executive Director

1 XAVIER BECERRA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 AARON L. LENT
Deputy Attorney General
4 State Bar No. 256857
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-7545
Facsimile: (916) 327-2247
7

8 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

Case No. 800-2018-048083

14 **JEFFERSON OCHSNER JANES, M.D.**
15 **PO Box 1249**
Nevada City, CA 95959

**STIPULATED SURRENDER OF
LICENSE AND DISCIPLINARY ORDER**

16 **Physician's and Surgeon's Certificate**
17 **No. G 23520**

18 Respondent.

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

22 **PARTIES**

23 1. Christine J. Lally (Complainant) is the Deputy Director of the Medical Board of
24 California (Board). This action was brought by then Complainant Kimberly Kirchmeyer solely in
25 her official capacity.¹ Complainant is represented in this matter by Xavier Becerra, Attorney
26 General of the State of California, by Aaron L. Lent, Deputy Attorney General.

27 ///

28 ¹ Ms. Kirchmeyer became the Director of the the Department of Consumer Affairs on
October 28, 2019.

1 2. Jefferson Ochsner Janes, M.D. (Respondent) is represented in this proceeding by
2 attorney Gregory Klein, whose address is: 401 Spring Street Nevada City, CA 95959.

3 3. On or about October 11, 1972, the Board issued Physician’s and Surgeon’s Certificate
4 No. G 23520 to Jefferson Ochsner Janes, M.D. (Respondent). The Physician's and Surgeon's
5 Certificate expired on June 30, 2016, and has not been renewed.

6 **JURISDICTION**

7 4. Accusation No. 800-2018-048083 was filed before the Board, and is currently
8 pending against Respondent. The Accusation and all other statutorily required documents were
9 properly served on Respondent on September 23, 2019. Respondent timely filed his Notice of
10 Defense contesting the Accusation. A copy of Accusation No. 800-2018-048083 is attached as
11 Exhibit A and incorporated by reference.

12 **ADVISEMENT AND WAIVERS**

13 5. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in Accusation No. 800-2018-048083. Respondent also, has carefully read,
15 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License
16 and Disciplinary Order.

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

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

25 **CULPABILITY**

26 8. Respondent admits the truth of each and every charge and allegation in Accusation
27 No. 800-2018-048083, agrees that cause exists for discipline and hereby surrenders his
28 Physician’s and Surgeon’s Certificate No. G 23520 for the Board’s formal acceptance.

1 9. Respondent understands that by signing this stipulation he enables the Board to issue
2 an order accepting the surrender of his Physician's and Surgeon's Certificate without further
3 process.

4 **RESERVATION**

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

9 **CONTINGENCY**

10 11. This stipulation shall be subject to approval by the Board. Respondent understands
11 and agrees that counsel for Complainant and the staff of the Board may communicate directly
12 with the Board regarding this stipulation and surrender, without notice to or participation by
13 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he
14 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board
15 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
16 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
17 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
18 be disqualified from further action by having considered this matter.

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

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

24 **ORDER**

25 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 23520, issued
26 to Respondent Jefferson Ochsner Janes, M.D., is surrendered and accepted by the Board.

27 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the
28 acceptance of the surrendered license by the Board shall constitute the imposition of discipline

1 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
2 of Respondent's license history with the Board.

3 2. Respondent shall lose all rights and privileges as a Physician and Surgeon in
4 California as of the effective date of the Board's Decision and Disciplinary Order.

5 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
6 issued, his wall certificate on or before the effective date of the Decision and Disciplinary Order.

7 4. If Respondent ever files an application for licensure or a petition for reinstatement in
8 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
9 comply with all the laws, regulations and procedures for reinstatement of a revoked or
10 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
11 contained in Accusation No. 800-2018-048083 shall be deemed to be true, correct and admitted
12 by Respondent when the Board determines whether to grant or deny the petition.

13 5. If Respondent should ever apply or reapply for a new license or certification, or
14 petition for reinstatement of a license, by any other health care licensing agency in the State of
15 California, all of the charges and allegations contained in Accusation, No. 800-2018-048083 shall
16 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
17 Issues or any other proceeding seeking to deny or restrict licensure.

18 **ACCEPTANCE**

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

24
25 DATED: _____

11/25/19

26 *Jefferson Ochsner Janes*
JEFFERSON OCHSNER JANES, M.D.
Respondent

James MD

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I have read and fully discussed with Respondent Jefferson Ochsner Janes, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Disciplinary Order. I approve its form and content.

DATED: 12/3/19



GREGORY KLEIN
Attorney for Respondent

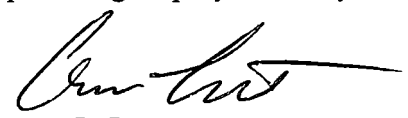
ENDORSEMENT

The foregoing Stipulated Surrender of License and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

DATED: 12-10-19

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General



AARON L. LENT
Deputy Attorney General
Attorneys for Complainant

SA2019101876
14248484.docx

Exhibit A

Accusation No. 800-2018-048083

1 XAVIER BECERRA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 AARON L. LENT
Deputy Attorney General
4 State Bar No. 256857
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-7545
Facsimile: (916) 327-2247
7

Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Sept 23 20 19
BY [Signature] ANALYST

8
9
10 BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
11 STATE OF CALIFORNIA
12

13 In the Matter of the Accusation Against:

Case No. 800-2018-048083

14 **Jefferson Ochsner Janes, M.D.**
15 **PO Box 1249**
Nevada City, CA 95959

ACCUSATION

16 **Physician's and Surgeon's Certificate**
17 **No. G 23520,**

Respondent.

18
19 Complainant alleges:

20 **PARTIES**

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

24 2. On or about October 11, 1972, the Medical Board issued Physician's and Surgeon's
25 Certificate No. G 23520 to Jefferson Ochsner Janes, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate expired on June 30, 2016, and has not been renewed.

27 ///

28 ///

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
7 of the Medical Quality Hearing Panel as designated in Section 11371 of the
8 Government Code, or whose default has been entered, and who is found guilty, or
9 who has entered into a stipulation for disciplinary action with the board, may, in
10 accordance with the provisions of this chapter:

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

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

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

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

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

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

27 ///

28 ///

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

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

5 "(a) Violating or attempting to violate, directly or indirectly, assisting in or
6 abetting the violation of, or conspiring to violate any provision of this chapter.
7 [Chapter 5, the Medical Practice Act].

8 "..."

9 6. Section 2236 of the Code states, in pertinent part:

10 "(a) The conviction of any offense substantially related to the qualifications,
11 functions, or duties of a physician and surgeon constitutes unprofessional conduct
12 within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The
13 record of conviction shall be conclusive evidence only of the fact that the
14 conviction occurred.

15 "..."

16 "(d) A plea or verdict of guilty or a conviction after a plea of nolo
17 contendere is deemed to be a conviction within the meaning of this section and
18 Section 2236.1. The record of conviction shall be conclusive evidence of the fact
19 that the conviction occurred."

20 7. Section 2239 of the Code states:

21 "(a) The use or prescribing for or administering to himself or herself, of any
22 controlled substance; or the use of any of the dangerous drugs specified in Section
23 4022, or of alcoholic beverages, to the extent, or in such a manner as to be
24 dangerous or injurious to the licensee, or to any other person or to the public, or to
25 the extent that such use impairs the ability of the licensee to practice medicine
26 safely or more than one misdemeanor or any felony involving the use,
27 consumption, or self-administration of any of the substances referred to in this

28 ///

1 section, or any combination thereof, constitutes unprofessional conduct. The
2 record of the conviction is conclusive evidence of such unprofessional conduct.

3 “(b) A plea or verdict of guilty or a conviction following a plea of nolo
4 contendere is deemed to be a conviction within the meaning of this section. The
5 Division of Medical Quality¹ may order discipline of the licensee in accordance
6 with Section 2227 or the Division of Licensing may order the denial of the license
7 when the time for appeal has elapsed or the judgment of conviction has been
8 affirmed on appeal or when an order granting probation is made suspending
9 imposition of sentence, irrespective of a subsequent order under the provisions of
10 Section 1203.4 of the Penal Code allowing such person to withdraw his or her
11 plea of guilty and to enter a plea of not guilty, or setting aside the verdict of
12 guilty, or dismissing the accusation, complaint, information, or indictment.”²

13 8. Section 118, subdivision (b), of the Code provides that the
14 suspension/expiration/surrender/cancellation of a license shall not deprive the
15 Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period
16 within which the license may be renewed, restored, reissued or reinstated.

17 **FIRST CAUSE FOR DISCIPLINE**

18 **(Use of Alcoholic Beverages to the Extent, or in a Manner, as to be Dangerous to**
19 **Respondent, Another Person or the Public)**

20 9. Respondent Jefferson Ochsner Janes, M.D., has subjected his Physician’s and
21 Surgeon’s Certificate No. G 23520 to disciplinary action under 2227 and 2234, as defined by
22 section 2239, subdivision (a), of the Code, in that he has used alcoholic beverages to the extent, or

23
24 ¹ California Business and Professions Code section 2002, as amended and effective January 1,
25 2008, provides that, unless otherwise expressly provided, the term “board” as used in the State Medical
26 Practice Act (Bus. & Prof. Code, §§ 2000, *et seq.*) means the “Medical Board of California,” and
references to the “Division of Medical Quality” and “Division of Licensing” in the Act or any other
provision of law shall be deemed to refer to the Board.

27 ² There is a nexus between a physician’s use of alcoholic beverages and his or her fitness to
28 practice medicine, established by the Legislature in section 2239, “in all cases where a licensed physician
used alcoholic beverages to the extent or in such a manner as to pose a danger to himself or others.”
(*Watson v. Superior Court (Medical Board)* (2009) 176 Cal.App.4th 1407, 1411.)

1 in such a manner, as to be dangerous or injurious to himself, another person, or the public, as
2 more particularly alleged hereinafter:

3 **October 15, 2018 Conviction of Cal. Vehicle Code §23152(b) & §23578**

4 10. On or about July 13, 2018, at approximately 1:13 a.m., Nevada County Sheriff
5 Deputy D. M. was on routine patrol when he observed Respondent driving a motor vehicle with
6 an inoperable headlight. Deputy D. M. initiated a traffic stop on the motor vehicle and contacted
7 the Respondent. During Deputy D. M.'s contact with the Respondent, he immediately noticed a
8 strong odor of an alcoholic beverage emanating from the Respondent. When asked how much
9 alcohol the Respondent had consumed that evening, Respondent insisted he had not consumed
10 any alcohol. When asked to provide Deputy D. M. with his driver's license, Respondent handed
11 the deputy a credit card. Deputy D. M. attempted to check Respondent for nystagmus, however,
12 Respondent continued moving his head and would not correctly follow instructions. Deputy D.
13 M. contacted the local California Highway Patrol (CHP) to assist in the investigation.

14 11. When CHP Officer J. H. arrived at the scene of the Respondent and Deputy D. M., he
15 again asked the Respondent how much alcohol the Respondent had consumed that evening, to
16 which the Respondent said that he had not consumed any alcohol. CHP Officer J. H. conducted a
17 series of field sobriety tests including a preliminary alcohol screening test where the Respondent
18 provided two breath samples which yielded results of 0.215% and 0.215% blood alcohol content.

19 12. CHP Officer J. H. placed the Respondent under arrest on suspicion of driving a motor
20 vehicle under the influence of alcohol (DUI). At approximately 2:28 a.m., two breath samples
21 were obtained from Respondent, which registered his blood alcohol content to be 0.21%, and
22 0.21%, respectively.

23 13. On or about August 7, 2018, the Nevada County District Attorney filed a criminal
24 complaint against the Respondent in the matter entitled, *The People of the State of California v.*
25 *Jefferson Oschner Janes*, Nevada County Superior Court Case No. M18-001110. On or about
26 October 15, 2018, Respondent was convicted upon his plea of guilty to count two of the
27 complaint, i.e. driving a motor vehicle with a blood alcohol content at or above 0.08% in
28 violation of California Vehicle Code §23152, subdivision (b); in addition to admitting the special

1 allegation of count two in that Respondent's blood alcohol content was at or above 0.15% in
2 violation of California Vehicle Code §23578. On or about October 15, 2018, the Superior Court
3 sentenced the Respondent to probation, subject to various terms and conditions.

4 **June 18, 2019 Conviction of Cal. Vehicle Code §23152(b) & §23578 & §23540**

5 14. On or about January 10, 2019, at approximately 1:06 p.m., CHP Officer B. E. was on
6 routine patrol when he was dispatched to a single vehicle injury traffic collision. Once Officer B.
7 E. arrived at the scene of the collision, he observed the Respondent standing next to a damaged
8 motor vehicle that had been driven off a dirt embankment. Officer B. E. contacted the Respondent
9 who admitted to driving the vehicle. During this contact, Officer B. E. noticed an odor of an
10 alcoholic beverage emanating from his person. Officer B. E. noted that Respondent's eyes were
11 glossy and red and that his speech was slow and slurred. When asked how much alcohol the
12 Respondent had consumed that evening, Respondent insisted he had not consumed any alcohol or
13 medication. Officer B. E. conducted a series of field sobriety tests including a preliminary alcohol
14 screening test where the Respondent provided two breath samples which yielded results of
15 0.224% and 0.217% blood alcohol content.

16 15. Officer B. E. placed the Respondent under arrest on suspicion of driving a motor
17 vehicle under the influence of alcohol (DUI). At approximately 2:23 p.m., two breath samples
18 were obtained from Respondent, which registered his blood alcohol content to be 0.20%, and
19 0.21%, respectively.

20 16. On or about January 29, 2019, the Placer County District Attorney filed a criminal
21 complaint against the Respondent in the matter entitled, *The People of the State of California v.*
22 *Jefferson Oschner Janes*, Placer County Superior Court Case No. 62-164804. On or about June
23 18, 2019 Respondent was convicted upon his plea of nolo contendere to count two of the
24 complaint, i.e. driving a motor vehicle with a blood alcohol content at or above 0.08% in
25 violation of California Vehicle Code §23152, subdivision (b); in addition to admitting the special
26 allegations of count two in that Respondent's blood alcohol content was at or above 0.15% in
27 violation of California Vehicle Code §23578 and, that Respondent was convicted of a prior DUI
28 offense in violation of California Vehicle Code §23540, subdivision (a). On or about June 18,

1 2019, the Superior Court sentenced the Respondent to probation, subject to various terms and
2 conditions.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(More than One Misdemeanor Conviction Involving the Use of Alcohol)**

5 17. Respondent Jefferson Ochsner Janes, M.D., has subjected his Physician's and
6 Surgeon's Certificate No. G 23520 to disciplinary action under 2227 and 2234, as defined by
7 section 2239, subdivision (a), of the Code, in that he has suffered more than one misdemeanor
8 conviction involving the use of alcohol, as more particularly alleged in paragraphs 9 through 16,
9 above, which are hereby incorporated by reference as if fully set forth herein.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Conviction of a Crime Substantially Related to the Qualifications, Functions, or Duties of a
12 Physician and Surgeon)**

13 18. Respondent Jefferson Ochsner Janes, M.D., has subjected his Physician's and
14 Surgeon's Certificate No. G 23520 to disciplinary action under 2227 and 2234, as defined by
15 section 2236, subdivision (a), of the Code, in that he has been convicted of a crime substantially
16 related to the qualifications, functions, or duties of a physician and surgeon, as more particularly
17 alleged in paragraphs 9 through 17, above, which are hereby incorporated by reference and
18 realleged as if fully set forth herein.

19 **PRAYER**

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

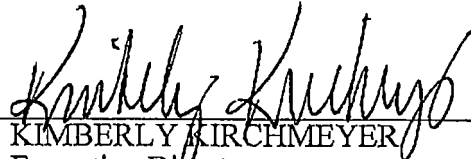
- 22 1. Revoking or suspending Physician's and Surgeon's Certificate No. G 23520, issued
23 to Jefferson Ochsner Janes, M.D.;
- 24 2. Revoking, suspending or denying approval of Jefferson Ochsner Janes, M.D.'s
25 authority to supervise physician assistants and advanced practice nurses;
- 26 3. Ordering Jefferson Ochsner Janes, M.D., if placed on probation, to pay the Board the
27 costs of probation monitoring; and

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

DATED: September 23, 2019



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

SA2019101876
14001000.docx