

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

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

Jacob Poulose, M.D.

Case No. 800-2016-027949

**Physician's and Surgeon's
Certificate No. A113557**

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 April 10, 2020.

IT IS SO ORDERED: March 11, 2020.

MEDICAL BOARD OF CALIFORNIA



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

1 XAVIER BECERRA
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
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8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the First Amended Accusation
12 Against:

13 JACOB POULOSE, M.D.

14 8349 Reseda Boulevard, Suite G
Northridge, California 91324

15 Physician's and Surgeon's Certificate A 113557,

16 Respondent.
17

Case No. 800-2016-027949

OAH No. 2019070486

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

21 **PARTIES**

22 1. Christine J. Lally (Complainant) is the Interim Executive Director of the Medical
23 Board of California (Board). She brought this action solely in her official capacity and is
24 represented in this matter by Xavier Becerra, Attorney General of the State of California, by Trina
25 L. Saunders, Deputy Attorney General.

26 2. Respondent Jacob Poulose, M.D. (Respondent) is represented in this proceeding by
27 attorney Seth A. Weinstein, whose address is 15260 Ventura Boulevard, Suite 1200, Sherman
28 Oaks, California 91403.

3. On August 4, 2010, the Board issued Physician's and Surgeon's Certificate No. A 113557 to Jacob Poullose, M.D. (Respondent). That license was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2016-027949, and will expire on August 31, 2020, unless renewed.

JURISDICTION

4. The First Amended Accusation in case number 800-2016-027949 was filed before the Board, and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent on January 13, 2020. Respondent filed a timely Notice of Defense contesting the Accusation.

5. A copy of the First Amended Accusation No. 800-2016-027949 is attached as Exhibit A, and is incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in the First Amended Accusation No. 800-2016-027949. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 800-2016-027949.

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

CONTINGENCY

11. 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.

12. 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.

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED THAT Physician's and Surgeon's Certificate No. A 113557 issued to Respondent Jacob Poulse, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for four (4) years on the following terms and conditions.

1. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, dangerous drugs as defined by Business and Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not

1 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide
2 illness or condition.

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

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

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

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

24 Respondent shall submit a certification of successful completion to the Board or its
25 designee not later than 15 calendar days after successfully completing the program or not later
26 than 15 calendar days after the effective date of the Decision, whichever is later.

27 4. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this Decision,
28 Respondent shall submit to the Board or its designee for prior approval the name and

1 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who
2 has a doctoral degree in psychology and at least five years of postgraduate experience in the
3 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall
4 undergo and continue psychotherapy treatment, including any modifications to the frequency of
5 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

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

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

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

19 CLINICAL DIAGNOSTIC EVALUATIONS AND REPORTS: Within thirty (30)
20 calendar days of the effective date of this Decision, and on whatever periodic basis thereafter as
21 may be required by the Board or its designee, Respondent shall undergo and complete a clinical
22 diagnostic evaluation, including any and all testing deemed necessary, by a Board-appointed
23 board certified physician and surgeon. The examiner shall consider any information provided by
24 the Board or its designee and any other information he or she deems relevant, and shall furnish a
25 written evaluation report to the Board or its designee.

26 The clinical diagnostic evaluation shall be conducted by a licensed physician and surgeon
27 who holds a valid, unrestricted license, has three (3) years' experience in providing evaluations of
28 physicians and surgeons with substance abuse disorders, and is approved by the Board or its

1 designee. The clinical diagnostic evaluation shall be conducted in accordance with acceptable
2 professional standards for conducting substance abuse clinical diagnostic evaluations. The
3 evaluator shall not have a current or former financial, personal, or business relationship with
4 Respondent within the last five (5) years. The evaluator shall provide an objective, unbiased, and
5 independent evaluation. The clinical diagnostic evaluation report shall set forth, in the
6 evaluator's opinion, whether Respondent has a substance abuse problem, whether Respondent is a
7 threat to himself or herself or others, and recommendations for substance abuse treatment,
8 practice restrictions, or other recommendations related to Respondent's rehabilitation and ability
9 to practice safely. If the evaluator determines during the evaluation process that Respondent is a
10 threat to himself or herself or others, the evaluator shall notify the Board within twenty-four (24)
11 hours of such a determination.

12 In formulating his or her opinion as to whether Respondent is safe to return to either part-
13 time or full-time practice and what restrictions or recommendations should be imposed, including
14 participation in an inpatient or outpatient treatment program, the evaluator shall consider the
15 following factors: Respondent's license type; Respondent's history; Respondent's documented
16 length of sobriety (i.e., length of time that has elapsed since Respondent's last substance use);
17 Respondent's scope and pattern of substance abuse; Respondent's treatment history, medical
18 history and current medical condition; the nature, duration and severity of Respondent's
19 substance abuse problem or problems; and whether Respondent is a threat to himself or herself or
20 the public.

21 For all clinical diagnostic evaluations, a final written report shall be provided to the Board
22 no later than ten (10) days from the date the evaluator is assigned the matter. If the evaluator
23 requests additional information or time to complete the evaluation and report, an extension may
24 be granted, but shall not exceed thirty (30) days from the date the evaluator was originally
25 assigned the matter.

26 The Board shall review the clinical diagnostic evaluation report within five (5) business
27 days of receipt to determine whether Respondent is safe to return to either part-time or full-time
28 practice and what restrictions or recommendations shall be imposed on Respondent based on the

1 recommendations made by the evaluator. Respondent shall not be returned to practice until he or
2 she has at least thirty (30) days of negative biological fluid tests or biological fluid tests indicating
3 that he or she has not used, consumed, ingested, or administered to himself or herself a prohibited
4 substance, as defined in section 1361.51, subdivision (e), of Title 16 of the California Code of
5 Regulations.

6 Clinical diagnostic evaluations conducted prior to the effective date of this Decision shall
7 not be accepted towards the fulfillment of this requirement. The cost of the clinical diagnostic
8 evaluation, including any and all testing deemed necessary by the examiner, the Board or its
9 designee, shall be borne by the licensee.

10 Respondent shall not engage in the practice of medicine until notified by the Board or its
11 designee that he or she is fit to practice medicine safely. The period of time that Respondent is
12 not practicing medicine shall not be counted toward completion of the term of probation.
13 Respondent shall undergo biological fluid testing as required in this Decision at least two (2)
14 times per week while awaiting the notification from the Board if he or she is fit to practice
15 medicine safely.

16 Respondent shall comply with all restrictions or conditions recommended by the examiner
17 conducting the clinical diagnostic evaluation within fifteen (15) calendar days after being notified
18 by the Board or its designee.

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

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

28 6. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to

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

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

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

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

1 and Human Services.

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

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

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

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

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

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

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

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

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

27 The contract shall require that the laboratory directly notify the Board or its designee of
28 non-negative results within one (1) business day and negative test results within seven (7)

1 business days of the results becoming available. Respondent shall maintain this laboratory or
2 service contract during the period of probation.

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

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

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

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

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

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

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

1 7. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days of
2 the effective date of this Decision, Respondent shall submit to the Board or its designee, for its
3 prior approval, the name of a substance abuse support group which he or she shall attend for the
4 duration of probation. Respondent shall attend substance abuse support group meetings at least
5 once per week, or as ordered by the Board or its designee. Respondent shall pay all substance
6 abuse support group meeting costs.

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

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

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

25 The worksite monitor shall not have a current or former financial, personal, or familial
26 relationship with Respondent, or any other relationship that could reasonably be expected to
27 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its
28 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite

1 monitor, this requirement may be waived by the Board or its designee, however, under no
2 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

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

7 Respondent shall pay all worksite monitoring costs.

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

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

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

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

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

13 A. If Respondent commits a major violation of probation as defined by section
14 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
15 one or more of the following actions:

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

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

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

28 B. If Respondent commits a minor violation of probation as defined by section

1 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
2 one or more of the following actions:

- 3 (1) Issue a cease-practice order;
- 4 (2) Order practice limitations;
- 5 (3) Order or increase supervision of Respondent;
- 6 (4) Order increased documentation;
- 7 (5) Issue a citation and fine, or a warning letter;
- 8 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in

9 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of
10 Regulations, at Respondent's expense;

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

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

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

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

28 11. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE

1 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
2 advanced practice nurses.

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

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

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

11 14. GENERAL PROBATION REQUIREMENTS.

12 Compliance with Probation Unit

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

14 Address Changes

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

20 Place of Practice

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

24 License Renewal

25 Respondent shall maintain a current and renewed California physician's and surgeon's
26 license.

27 Travel or Residence Outside California

28 Respondent shall immediately inform the Board or its designee, in writing, of travel to any

1 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
2 (30) calendar days.

3 In the event Respondent should leave the State of California to reside or to practice
4 ,Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
5 departure and return.

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

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

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

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

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

2 Periods of non-practice for a Respondent residing outside of California will relieve
3 Respondent of the responsibility to comply with the probationary terms and conditions with the
4 exception of this condition and the following terms and conditions of probation: Obey All Laws;
5 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
6 Controlled Substances; and Biological Fluid Testing..

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

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

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

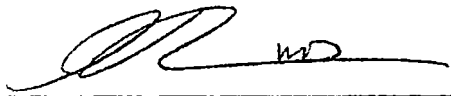
28 20. PROBATION MONITORING COSTS. Respondent shall pay the costs associated

1 with probation monitoring each and every year of probation, as designated by the Board, which
2 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
3 California and delivered to the Board or its designee no later than January 31 of each calendar
4 year.

5
6 **ACCEPTANCE**

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

12
13 DATED: 01/14/2020


14 JACOB POULOSE, M.D.
15 Respondent

16 I have read and fully discussed with Respondent Jacob Poulouse, M.D. the terms and
17 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
18 I approve its form and content.

19
20 DATED: 01-14-2020


21 SETH A. WEINSTEIN, ESQ.
22 Attorney for Respondent

23
24 ///

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26 ///

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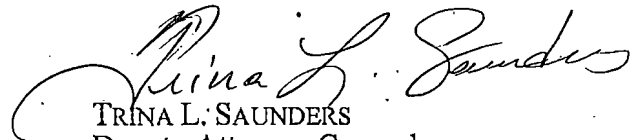
ENDORSEMENT

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

DATED: January 16, 2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
ROBERT MCKIM BELL
Supervising Deputy Attorney General


TRINA L. SAUNDERS
Deputy Attorney General
Attorneys for Complainant

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7 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO January 13, 2020
BY: Anna Regan ANALYST

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

13 In the Matter of the First Amended Accusation
Against:

Case No. 800-2016-027949

14 JACOB POULOSE, M.D.

FIRST AMENDED ACCUSATION

15 8349 Roseda Boulevard, Suite G
16 Northridge, California 91324

17 Physician's and Surgeon's Certificate
No. A 113557,

18 Respondent.
19

20
21 Complainant alleges:

22 PARTIES

- 23 1. Christine J. Lally (Complainant) brings this First Amended Accusation solely in her
24 official capacity as the Interim Executive Director of the Medical Board of California (Board).
25 2. On August 4, 2010, the Board issued Physician's and Surgeon's Certificate Number A
26 113557 to Jacob Poulose, M.D. (Respondent). That license was in full force and effect at all
27 times relevant to the charges brought herein and will expire on August 31, 2020, unless renewed.

28 //

JURISDICTION

3. This First Amended 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:

"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:

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 for
8 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 “(d) Incompetence.

15 “(e) The commission of any act involving dishonesty or corruption which is substantially
16 related to the qualifications, functions, or duties of a physician and surgeon.

17 “(f) Any action or conduct which would have warranted the denial of a certificate.

18 “(g) The practice of medicine from this state into another state or country without meeting
19 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not
20 apply to this subdivision. This subdivision shall become operative upon the implementation of the
21 proposed registration program described in Section 2052.5.

22 “(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and
23 participate in an interview by the board. This subdivision shall only apply to a certificate holder
24 who is the subject of an investigation by the board.”

25 6. Section 2236 of the Code provides in pertinent part as follows:

26 “(a) The conviction of any offense substantially related to the qualifications, functions, or
27 duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this
28

1 chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction
2 occurred.

3 "..."

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

7 7. Section 2239 of the Code states:

8 "(a) The use or prescribing for or administering to himself or herself, of any controlled
9 substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic
10 beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to
11 any other person or to the public, or to the extent that such use impairs the ability of the licensee
12 to practice medicine safely or more than one misdemeanor or any felony involving the use,
13 consumption, or self-administration of any of the substances referred to in this section, or any
14 combination thereof, constitutes unprofessional conduct. The record of the conviction is
15 conclusive evidence of such unprofessional conduct.

16 "(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is
17 deemed to be a conviction within the meaning of this section. The Division of Medical Quality
18 may order discipline of the licensee in accordance with Section 2227 or The Division of Medical
19 Quality may order the denial of the license when the time for appeal has elapsed or the judgment
20 of conviction has been affirmed on appeal or when an order granting probation is made
21 suspending imposition of sentence, irrespective of a subsequent order under the provisions of
22 Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and
23 to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation,
24 complaint, information, or indictment."

25 ///

26 ///

27 ///

28 ///

1 CAUSE FOR DISCIPLINE ONE

2 (Use of Alcohol in a Dangerous Manner)

3 8. Respondent is subject to disciplinary action under Code section 2239 in that he used
4 alcohol in a manner that was dangerous to himself and others in 2016 and in 2018. The
5 circumstances are as follows:

6 9. On November 22, 2016, in a criminal proceeding entitled *People of the State of*
7 *California v. Jacob Poulose*, Los Angeles Superior Court 6SC03367, Respondent was charged
8 with one count of driving under the influence of an alcoholic beverage, in violation of Vehicle
9 Code section 23152, subdivision (a), a misdemeanor, one count of driving with a blood alcohol
10 content of .08%, in violation of Vehicle Code section 23152, subdivision (b), a misdemeanor, and
11 in conjunction with the above, the defendant refused to take a chemical test.

12 10. On March 24, 2017, Respondent pled nolo contendere to driving with a blood alcohol
13 content of .08%, a misdemeanor, and was convicted. All other charges were dismissed. He was
14 sentenced to a three-year term of probation, ordered to pay fines, required to participate in and
15 successfully complete a six-month licensed first offender alcohol and drug education counseling
16 program. He was also prohibited from driving with any measurable amount of alcohol or drugs in
17 his blood, among other things.

18 11. On January 15, 2019, in a criminal proceeding entitled *People of the State of*
19 *California v. Jacob Poulose*, County of Orange Superior Court Case Number 19NM00783,
20 Respondent was charged with one count of driving under the influence of an alcoholic beverage,
21 in violation of Vehicle Code section 23152 subdivision (a), a misdemeanor, one count of driving
22 with a blood alcohol content of .08%, in violation of Vehicle Code section 23152, subdivision (b),
23 a misdemeanor, and one count of operating a motor vehicle while on probation for violating
24 Vehicle Code section 23152 and having a blood alcohol level of .01% or higher, in violation of
25 Vehicle Code section 23154, subdivision (a), an infraction.

26 12. On November 18, 2019, Respondent admitted his prior misdemeanor conviction as
27 listed on the charging document, and pled guilty to one count of driving under the influence of an
28 alcoholic beverage in violation of Vehicle Code section 23152(a), a misdemeanor, and one count


1 substantially related to the qualifications, functions, and duties of a physician and surgeon
2 pursuant to Code sections 2234 and 2236.

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 113557,
7 issued to Jacob Poulose, M.D.;
- 8 2. Revoking, suspending or denying approval of his authority to supervise physician
9 assistants and advanced practice nurses;
- 10 3. If placed on probation, ordering him to pay the Board the costs of probation
11 monitoring; and
- 12 4. Taking such other and further action as deemed necessary and proper.

13
14
15 DATED: JAN 13 2020


CHRISTINE J. LALLY
Interim Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant

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