

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

In the Matter of the Accusation Against:

Monissa Joyce Solberg, M.D.

Case No. 800-2018-047465

License No. A 107304

Respondent.

DECISION

The attached Proposed Decision 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 May 21, 2020.

IT IS SO ORDERED: April 21, 2020.

MEDICAL BOARD OF CALIFORNIA



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

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

In the Matter of the Accusation Against:

MONISSA JOYCE SOLBERG, M.D., Respondent,

Physician and Surgeon's Certificate No. A 107304.

Case No. 800-2018-047465

OAH No. 2019080695

PROPOSED DECISION

Administrative Law Judge Ruth S. Astle, State of California, Office of Administrative Hearings, heard this matter on February 6, 2020, in Oakland, California.

Greg W. Chambers, Deputy Attorney General, represented the complainant Kimberly Kirchmeyer, Executive Director of the Medical Board of California.

Paul Chan, Attorney at Law, represented the respondent, who was present.

Submission of the matter was deferred to March 6, 2020, for receipt of additional evidence concerning the courses respondent attended at Acumen. Additional documentation was submitted, marked as Exhibit E, and considered. The record closed on March 6, 2020, and the matter was submitted for decision on that date.

FACTUAL FINDINGS

Jurisdictional Matters

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

2. On April 15, 2009, the Board issued Physician and Surgeon's Certificate Number A 107304 to Monissa Joyce Solberg, M.D. (respondent). The Certificate was in full force and effect at all times relevant to this matter and expired on November 30, 2016 and is in a delinquent status.

Cause for Discipline

3. On August 7, 2018, respondent voluntarily surrendered her Rhode Island medical license pursuant to a Consent Order. The voluntary surrender became effective on November 6, 2018. Respondent was required to complete an evaluation and agree to follow the recommendation of the evaluator.

4. The Rhode Island Board found that respondent, who practices as a psychiatrist, had an intimate relationship with a patient. She met her former patient outside of work and began an intimate relationship. In November 2016, respondent prescribed an opioid pain medication for the former patient and he became her present patient. She did not document this medical encounter. The relationship ended in December 2016. Respondent was in the middle of divorce.

5. The Rhode Island Board also found that respondent failed to check the prescription monitoring program prior to prescribing an opioid to the patient.

6. Additionally, the Rhode Island Board found that respondent's records for the patient violated a Rhode Island state statute by failing to contain adequate documentation of educating the patient about the adverse risk of taking alcohol, or other psychoactive medications, specifically benzodiazepines, or the risk of tolerance, addiction, overdose or death. Further the records failed to note that it was the patient's responsibility to safeguard the medication and keep it in a secure location, and failed to document that the patient had been educated about safe disposal options.

Respondent's Evidence

7. On February 13, 2019, respondent's Rhode Island license was fully restored without restriction. Respondent is presently in an outpatient private practice.

8. Respondent participated in and completed a three-week full-time intensive treatment program at the Acumen Institute in Lawrence, Kansas from November 26 through December 14, 2018. She attended classes including boundaries, ethics, record keeping, and core competencies, as well as group psychotherapy and individual psychotherapy. She participated in three follow-up sessions in April 2019, July 2019, and December 2019. In an extensive evaluation dated January 7, 2020, the Acumen Institute evaluation staff were of the opinion that "Dr. Solberg is not at further risk of engaging in professional sexual misconduct with a current or former patient, and in fact is at lower risk than the average provider given the extensive administrative legal process that she has gone through, the sanctions that she has incurred as a consequence of her poor judgment, and the extensive treatment, education, supervision, and accountability that she has successfully engaged in."

9. Respondent received her medical degree at UCLA, Los Angeles, California in 2007. She did her residency at UCLA as well. She moved to Rhode Island in 2014.

She worked at Angell Street Psychiatry in Providence, RI as a staff psychiatrist from 2014 to 2015. She has no other complaints or disciplinary actions against her.

10. Respondent presented a letter of recommendation from Samuel D. Kaufman, PMHNP. He has known respondent for 18 months as of the date of the letter, December 20, 2019. He works with respondent in her practice. He is aware of the charges. He finds her to be an exceptional practitioner. Respondent admitted her lapse in judgment to him. He believes she will never repeat any misconduct.

11. Respondent has participated in individual psychotherapy. Cameron Dickson, Psy.D., states that respondent is safe and fit to practice psychiatry. Her ethical and clinical judgment and decision-making are both professional and appropriate.

12. Respondent presented a letter dated January 2, 2020, from Peter G. Erickson, Ph.D. He has been meeting monthly with respondent pursuant to her Rhode Island Board consent decree. He consults with her about her practice, patient management concerns, and acts as a senior advisor and mentor. She has been practicing for over one year without any issues or concerns. He believes respondent can practice with no restrictions on her license.

13. Respondent presented proof that she completed a one-year health monitoring contract with the Rhode Island Medical Society's Physician Health Program. Respondent was consistently compliant with all of the components of her contract. Her case was closed as of January 28, 2020.

14. Respondent has met all the conditions imposed on her by the Rhode Island Board. She has taken this situation seriously and has made sure nothing like this will ever happen again. It would serve no purpose to impose any additional

disciplinary conditions on respondent. She has proven that she is safe to practice. It would not be against the public interest to issue respondent a letter of reprimand.

LEGAL CONCLUSIONS

1. Pursuant to Business and Professions Code section 2227, the Board has jurisdiction to enforce and administer the law, rules and regulations against physicians.

3. Pursuant to Business and Professions Code section 2305, the Board is authorized to impose discipline on a physician for unprofessional conduct for discipline in another state on grounds that would be grounds for discipline in California. Respondent was disciplined in Rhode Island for conduct that would be grounds for discipline in California (Factual Findings 3 through 6).

4. Pursuant to Business and Professions Code section 141, the Board is authorized to impose discipline for action taken by another state for any act substantially related to the practice regulated by the California license. Cause for discipline has been established. (Factual Findings 3 through 6).

5. Considering all the evidence of rehabilitation presented by respondent, a public reprimand is sufficient in this case to protect the public. (Factual Findings 7 through 14.)

ORDER

Physician and Surgeon's Certificate No. A 107304 issued to respondent Monissa Joyce Solberg, M.D., shall by way of a letter from the Medical Board of California be publicly reprimanded. This Decision can serve as the Public Letter of Reprimand.

DATE: March 18, 2020

DocuSigned by:
Ruth Astle
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RUTH S. ASTLE

Administrative Law Judge

Office of Administrative Hearings

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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Jan. 29 20 19
BY Gina Bacon ANALYST

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

12 In the Matter of the Accusation Against:

Case No. 800-2018-047465

13 **Monissa Joyce Solberg, M.D.**
14 **P.O. Box 1318**
15 **Sacramento CA 95812-1318**

ACCUSATION

16 **Physician's and Surgeon's Certificate**
17 **No. A 107304,**

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 April 15, 2009, the Medical Board issued Physician's and Surgeon's
25 Certificate Number A 107304 to Monissa Joyce Solberg, M.D. (Respondent). The Physician's
26 and Surgeon's Certificate expired on November 30, 2016, and has not been renewed.

JURISDICTION

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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 unless otherwise indicated.

4 4. Section 2004 of the Code provides that the Board shall have the responsibility for the
5 enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

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

10 6. Section 2305 of the Code states:

11 “The revocation, suspension, or other discipline, restriction or limitation imposed by
12 another state upon a license or certificate to practice medicine issued by that state, or the
13 revocation, suspension, or restriction of the authority to practice medicine by any agency of the
14 federal government, that would have been grounds for discipline in California of a licensee under
15 this chapter shall constitute grounds for disciplinary action for unprofessional conduct against the
16 licensee in this state.”

17 7. Section 141 of the Code states:

18 “(a) For any licensee holding a license issued by a board under the jurisdiction of the
19 department, a disciplinary action taken by another state, by any agency of the federal government,
20 or by another country for any act substantially related to the practice regulated by the California
21 license, may be a ground for disciplinary action by the respective state licensing board. A
22 certified copy of the record of the disciplinary action taken against the licensee by another state,
23 an agency of the federal government, or another country shall be conclusive evidence of the
24 events related therein.

25 “(b) Nothing in this section shall preclude a board from applying a specific statutory
26 provision in the licensing act administered by that board that provides for discipline based upon a
27 disciplinary action taken against the licensee by another state, an agency of the federal
28 government, or another country.”

1 CAUSE FOR DISCIPLINE

2 (Discipline, Restriction, or Limitation Imposed by Another State)

3 8. Respondent is subject to disciplinary action under sections 2305 and 141 of the Code
4 in that on or about August 7, 2018, Respondent voluntarily surrendered her Rhode Island medical
5 license via a Consent Order, attached as Exhibit A and incorporated herein. The voluntary
6 surrender became effective on November 6, 2018, and Respondent is not eligible to apply for
7 reinstatement of the physician's license prior to completing an evaluation and agreeing to follow
8 the recommendations of the evaluator. The circumstances are as follows:

9 9. The Rhode Island Board of Medical Licensure and Discipline found that Respondent,
10 who practiced as a psychiatrist, had an intimate relationship with an existing patient, Patient A.

11 10. The Rhode Island Board of Medical Licensure and Discipline found that Respondent,
12 in violation of statute, failed to check the prescription monitoring program (PMP) prior to
13 prescribing an opioid to Patient A.

14 11. Additionally, the Rhode Island Board of Medical Licensure and Discipline found that
15 Respondent's records for Patient A violated statute by failing to contain adequate documentation
16 educating Patient A about the adverse risk of taking alcohol, or other psychoactive medications,
17 specifically benzodiazepines, or the risk of tolerance, addiction, overdose or death. Further, the
18 records were in violation of statute by failing to note that it was Patient A's responsibility to
19 safeguard the medication and keep it in a secure location, and by failing to document that Patient
20 A had been educated about safe disposal options.

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 Number A 107304,
25 issued to Monissa Joyce Solberg, M.D.;

26 2. Revoking, suspending or denying approval of Monissa Joyce Solberg, M.D.'s
27 authority to supervise physician assistants and advanced practice nurses;

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3. Ordering Monissa Joyce Solberg, 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:
January 29, 2019



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

EXHIBIT A



Department of Health
Three Capitol Hill
Providence, RI 02908-5097
TTY: 711
www.health.ri.gov

Attestation of True and Accurate Copy

On this 7th day of September 2018, I attest that the preceding or attached document is a true, exact, complete, and unaltered photocopy made by me from the original document Orders from the Rhode Island Board of Medical Licensure & Discipline for Dr. Monissa Joyce Solberg presented to me by the document's custodian, Lauren Dixon-Lasso.

Angela Phengsavatdy
Licensing Aide

(Date)

State of Rhode Island
Department of Health
Board of Medical Licensure & Discipline



IN THE MATTER OF:
Monissa Solberg M.D.
License number MD 14574
Complaint numbers C18-0082 and C18-0362

Voluntary Surrender

The Rhode Island Board of Medical Licensure and Discipline (hereinafter "Board") has reviewed and investigated the above referenced complaints pertaining to Dr. Monissa Solberg (hereinafter "Respondent") through its Investigative Committee.

FINDINGS OF FACT

1. Respondent has been a licensed physician in the State of Rhode Island since April 24th, 2014. Respondent's office is located at 334 Broadway, Providence, Rhode Island. Respondent's specialty is Psychiatry.
2. The Board received a complaint from an individual who had knowledge of Respondent having an intimate relationship with Patient A (alias), a former patient.
3. Respondent was the attending physician for Patient A. Respondent is a Psychiatrist.
4. Patient A was being treated by Respondent after being discharged from Butler's ITP program for depression.
5. Respondent maintains that she did not have an inappropriate relationship with Patient A while he was a patient and that he ceased receiving treatment from her on May 16th, 2016. A discharge letter was written on May 2016 and faxed to his primary care physician for follow up.
6. Respondent initially evaluated Patient A in January 2016 and saw Patient A in follow up three times. Respondent prescribed multiple medications including sertraline, mirtazapine

and clonazepam (a controlled substance) to Patient A.

7. Respondent appeared before the Investigative committee April 5th, 2018 and explained that she went on vacation with Patient A to Iceland in November of 2016. Patient A had sprained his ankle in Iceland and received health care from a physician in Iceland, including a prescription for an opioid medication. Respondent avers Patient A ran out of the this medication while back in Rhode Island, so she examined Patient A and prescribed a "bridging" prescription for the opioid, specifically a 10-day supply of this medication. Respondent avers she did conduct a physical exam on Patient A before writing this prescription, yet did not examine Patient A in her office, nor enter this visit in Patient A's medical record. The written prescription has a notation on it from the pharmacist, "spoke & verified RX w/MD.)
8. The Investigative committee notes that the practice of medicine is defined in Rhode Island General Law § 5-37-1 (15) *"Practice of medicine" includes the practice of allopathic and osteopathic medicine. Any person is regarded as practicing medicine within the meaning of this chapter who holds himself or herself out as being able to diagnose, treat, operate, or prescribe for any person ill or alleged to be ill with disease, pain, injury, deformity or abnormal physical or mental condition, or who either professes to heal, offer or undertake, by any means or method to diagnose, treat, operate, or prescribe for any person for disease, pain, injury, deformity or physical or mental condition. In addition, one who attaches the title, M.D., physician, surgeon, D.O., osteopathic physician and surgeon, or any other similar word or words or abbreviation to his or her name indicating that he or she is engaged in the treatment or diagnosis of the diseases, injuries or conditions of persons shall be held to be engaged in the practice of medicine."*
9. The Investigative committee concluded that Respondent had an intimate relationship with an existing patient.
10. Respondent did not document in the medical record, the severity of the sprain of the ankle, any weight bearing restrictions, any restrictions of activity or any anti-inflammatory treatment. Respondent did not document if rest, elevation, physical therapy or ice was ordered as well.

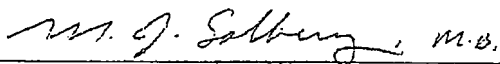
11. Respondent did not enter a progress in the medical record documenting the care given preceding the November 11th, 2016 prescription for the opioid prescription.
12. Respondent prescribed an opioid on 11/11/2016. This was the first time Respondent had prescribed an opioid for Patient A.
13. The investigative committee reviewed the medical records of Patient A provided by Respondent. The investigative committee concluded the medical records did not contain adequate documentation of educating the patient about the adverse risk of taking alcohol, or other psychoactive medications, specifically benzodiazepines, or tolerance, addiction, overdose or death. There was not also documentation that it was the patient's responsibility to safeguard the medication and keep in a secure location. There was also no documentation of educating the patient about safe disposal options.
14. Respondent admits that she did not check the PMP for Patient A.
15. The Board finds violations of Rhode Island General Law § 5-37-5.1 (30) and (19).
16. Respondent has also violated Rules and Regulations for Physicians R-5-37-MD/DO section 11.4 *"Medical Records shall be legible and contain the identity of the physician or physician extender and supervising physician by name and professional title who is responsible for rendering, ordering, supervising or billing each diagnostic or treatment procedure. The records must contain sufficient information to justify the course of treatment, including, but not limited to: active problem and medication lists; patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and report of consultations and hospitalizations."* The Board also alleges Respondent violated Rules and Regulations for Pain Management, Opioid Use and the Registration of Distributors of Controlled Substances in Rhode Island R21-28-CSD sections 3.4 Patient Education/Consent. *Inadequate education regarding risks of opioids such as dependence, addiction, risk of taking other psychoactive substances, as well as no documentation about safe storage or proper disposal of opioids,* 3.5 *The prescription monitoring program (PMP) shall be reviewed prior to starting any opioid.*

Based on the foregoing, the parties agree as follows:

1. Respondent admits to the jurisdiction of the Board.
2. Respondent hereby voluntarily surrenders her license to practice medicine. This Voluntary Surrender Agreement is not binding on Respondent until final ratification by the Director.
3. If ratified by the Board, Respondent hereby acknowledges and waives:
 - a. The right to appear personally or by counsel or both before the Board;
 - b. The right to produce witnesses and evidence on her behalf at a hearing;
 - c. The right to cross examine witnesses;
 - d. The right to have subpoenas issued by the Board;
 - e. The right to further procedural steps except for those specifically contained herein;
 - f. Any and all rights of appeal of this Voluntary Surrender Agreement; and
 - g. Any objection to the fact that this Voluntary Surrender Agreement will be presented to the Director for consideration and review.
 - h. Any objection that this Voluntary Surrender Agreement will be reported to the National Practitioner Data Bank, Federation of State Medical Boards as well as posted on the department's public web site.
4. Respondent agrees to pay upon ratification of this Consent Order an administrative fee to the Board with a check for \$1050.00 dollars made payable to the Rhode Island General Treasurer for costs associated with investigating the above-referenced complaint.
5. Respondent hereby agrees to this Voluntary Surrender which becomes effective 90 days after ratification and no later than 11:59 PM on November 6th, 2018.
6. Respondent may not apply for reinstatement of her physician license without first having an evaluation at Acumen Assessments or Sante Center and agreeing to follow their recommendations.
7. Reinstatement upon application by the Respondent shall be in the sole discretion of the Board in accordance with law and regulation.

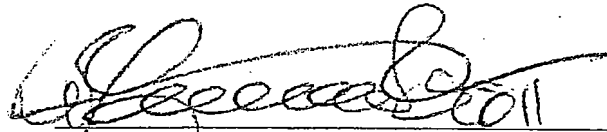
8. Respondent is confirmed to complete an evaluation at Acumen Assessments in Lawrence, Kansas from August 20-23, 2018.
9. Respondent shall send documentation of compliance with this order to DOH.PRCOMPLIANCE@health.ri.gov .
10. Respondent agrees to establish continuity of care for her patients and provide medical records in a timely manner in accordance with Rules and Regulations for physicians.
11. In the event that any term of this Consent Order is violated, after it is signed and accepted, the Director of the Department of Health shall have the discretion to impose further disciplinary action. If the Director imposes further disciplinary action, Respondent shall be given notice and shall have the right to request an administrative hearing within twenty (20) days of the suspension and/or further discipline. The Director of the Department of Health shall also have the discretion to request an administrative hearing after notice to Respondent of a violation of any term of this Consent Order. The Administrative Hearing Officer may suspend Respondent's license, or impose further discipline, for the remainder of Respondent's licensing period if the alleged violation is proven by a preponderance of evidence.

Signed this 3 day of August, 2018.

 M.D.

Monissa Solberg M.D.

Ratified by the Board of Medical Licensure and Discipline on the 27th day of August, 2018.



Nicole Alexander-Scott, M.D., M.P.H.

Director

Rhode Island Department of Health

3 Capitol Hill, Room 401

Providence, Rhode Island 02908