

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

In the Matter of the Accusation
Against

Ann Knabe Engel, M.D.

Physician's and Surgeon's
Certificate No. G86811

Respondent.

Case No. 800-2018-051151

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
JUN 10 2020.

IT IS SO ORDERED JUN 03 2020.

MEDICAL BOARD OF CALIFORNIA

By: 
Christine J. Lally
Interim Executive Director

1 XAVIER BECERRA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 RYAN J. MCEWAN
Deputy Attorney General
4 State Bar No. 285595
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-7548
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

13 **ANN KNABE ENGEL, M.D.**
14 **P.O. Box 1270**
Nevada City, CA 95959

15 **Physician's and Surgeon's Certificate**
16 **No. G 86811**

17 Respondent.

Case No. 800-2018-051151

OAH No. 2019120221

STIPULATED SURRENDER OF
LICENSE AND DISCIPLINARY ORDER

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

20 **PARTIES**

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

25 2. Ann Knabe Engel, M.D. (Respondent) is represented in this proceeding by attorney
26 Jonathan C. Turner, Esq., whose address is: Law Office of Jonathan Turner, 1007 7th Street, Suite
27 304, Sacramento, CA 95814.

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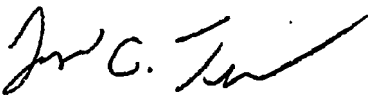
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ACCEPTANCE

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

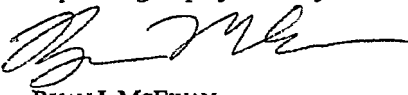
DATED: 5/17/2020 
ANN KNABE ENGEL, M.D.
Respondent

I have read and fully discussed with Respondent Ann Knabe Engel, 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: 5-12-2020 
JONATHAN C. TURNER, ESQ.
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: 5/13/2020 Respectfully submitted,
XAVIER BECERRA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General

RYAN J. MCEWAN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2018-051151

1 XAVIER BECERRA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 RYAN J. MCEWAN
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7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO November 27 2019
BY: *Anna Kegan* ANALYST

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

13 In the Matter of the Accusation Against:

Case No. 800-2018-051151

14 **Ann Knabe Engel, M.D.**
15 **P.O. Box 1270**
16 **Nevada City, CA 95959**

A C C U S A T I O N

17 **Physician's and Surgeon's Certificate**
18 **No. G 86811,**

Respondent.

19
20 **PARTIES**

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

24 2. On or about March 5, 2003, the Medical Board issued Physician's and Surgeon's
25 Certificate No. G 86811 to Ann Knabe Engel, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate expired on February 28, 2019, and has not been renewed.

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1 **JURISDICTION**

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

9 5. Section 118 of the Code states:

10 "...

11 "(b) The suspension, expiration, or forfeiture by operation of law of a license
12 issued by a board in the department, or its suspension, forfeiture, or cancellation by
13 order of the board or by order of a court of law, or its surrender without the written
14 consent of the board, shall not, during any period in which it may be renewed,
15 restored, reissued, or reinstated, deprive the board of its authority to institute or
16 continue a disciplinary proceeding against the licensee upon any ground provided by
17 law or to enter an order suspending or revoking the license or otherwise taking
18 disciplinary action against the licensee on any such ground.

19 "(c) As used in this section, 'board' includes an individual who is authorized by
20 any provision of this code to issue, suspend, or revoke a license, and 'license'
21 includes 'certificate,' 'registration,' and 'permit.'"

22 6. Section 2234 of the Code, states:

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

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

28 "..."

1 7. Unprofessional conduct under Business and Professions Code section 2234 is conduct
2 which breaches the rules or ethical conduct of the medical profession, or conduct which is
3 unbecoming to a member in good standing of the medical profession, and which demonstrates an
4 unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564,
5 575.)

6 8. Section 2236 of the Code states:

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

12 “... ”

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

17 9. Section 2239 of the Code states:

18 “(a) The use or prescribing for or administering to himself or herself, of any
19 controlled substance; or the use of any of the dangerous drugs specified in Section
20 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous
21 or injurious to the licensee, or to any other person or to the public, or to the extent that
22 such use impairs the ability of the licensee to practice medicine safely or more than
23 one misdemeanor or any felony involving the use, consumption, or
24 self-administration of any of the substances referred to in this section, or any
25 combination thereof, constitutes unprofessional conduct. The record of the
26 conviction is conclusive evidence of such unprofessional conduct.

27 “(b) A plea or verdict of guilty or a conviction following a plea of nolo
28 contendere is deemed to be a conviction within the meaning of this section. The

1 Division of Medical Quality may order discipline of the licensee in accordance with
2 Section 2227 or the Division of Medical Quality may order the denial of the license
3 when the time for appeal has elapsed or the judgment of conviction has been affirmed
4 on appeal or when an order granting probation is made suspending imposition of
5 sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of
6 the Penal Code allowing such person to withdraw his or her plea of guilty and to enter
7 a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation,
8 complaint, information, or indictment.”¹

9 10. California Code of Regulations, title 16, section 1360, states:

10 “For the purposes of denial, suspension or revocation of a license, certificate or
11 permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime
12 or act shall be considered to be substantially related to the qualifications, functions or
13 duties of a person holding a license, certificate or permit under the Medical Practice
14 Act if to a substantial degree it evidences present or potential unfitness of a person
15 holding a license, certificate or permit to perform the functions authorized by the
16 license, certificate or permit in a manner consistent with the public health, safety or
17 welfare. Such crimes or acts shall include but not be limited to the following:
18 Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
19 violation of, or conspiring to violate any provision of the Medical Practice Act.”

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Use of Alcohol in a Dangerous or Injurious Manner)**

22 11. Respondent is subject to disciplinary action under sections 2227 and 2234, as defined
23 by section 2239, of the Code, and California Code of Regulations, title 16, section 1360, in that
24 she used alcoholic beverages, to the extent, or in such a manner, as to be dangerous or injurious to
25 herself, or to any other person or to the public, as more particularly alleged as follows:

26 _____
27 ¹ 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 12. On or about November 30, 2018, at approximately 9:30 a.m., a Nevada County
2 Deputy Sheriff (“Deputy J.C.”)—who was on assignment at Nevada Union High School—
3 observed Respondent drive a tan color minivan into a parking spot near his patrol car.
4 Respondent and her son, a dependent adult, exited the vehicle and walked towards the entrance of
5 the school. Deputy J.C. completed a service call at another location and returned to Nevada Union
6 High School at approximately 10:00 a.m. When Deputy J.C. arrived at the school, the Assistant
7 Principal advised him that Respondent was in the attendance office and appeared to be
8 intoxicated. The Assistant Principal and Deputy J.C. approached Respondent and began speaking
9 to her. Deputy J.C. immediately noticed that Respondent’s eyes were “extremely bloodshot” and
10 watery and her speech was slurred.

11 13. Based on the Assistant Principal’s comments and the observations noted above,
12 Deputy J.C. requested that Respondent follow him to his office for a further investigation.
13 Deputy J.C. observed Respondent walking off-balance and with an unsteady gait. When they
14 arrived at Deputy J.C.’s office, Respondent said that she needed her inhaler, which she had left in
15 her vehicle. As they walked to Respondent’s vehicle, Respondent continued to walk with an
16 unsteady gait. After they reached Respondent’s vehicle, Deputy J.C. talked to Respondent for
17 several minutes and noticed the smell of alcohol on Respondent’s breath. Deputy J.C. requested
18 that California Highway Patrol (“CHP”) respond to his location for a DUI investigation.

19 14. CHP Officer T.K. was dispatched at approximately 10:27 a.m. and arrived at Nevada
20 Union High School shortly thereafter. Officer T.K. observed Respondent standing in the parking
21 lot next to her vehicle. When he approached Respondent, he immediately detected the “strong
22 odor” of alcohol on her breath and person. Officer T.K. began asking Respondent a series of pre-
23 Field Sobriety Test questions. As Respondent spoke, her speech was slurred and Officer T.K.
24 again detected the same “strong odor” of alcohol on her breath and person. Officer T.K. further
25 observed that Respondent’s eyes were red and watery.

26 15. Officer T.K. asked Respondent to perform a series of field sobriety tests, which he
27 explained and demonstrated. Respondent failed each of these tests. During the horizontal gaze
28 nystagmus test, Respondent displayed lack of smooth pursuit and distinct nystagmus at the

1 extremes and onset prior to 45 degrees. Her pupils also appeared dilated. During the Rhomberg
2 balance test, Respondent estimated 16 seconds as 30 seconds, displayed eyelid tremors, swayed
3 from front to back, used her arms to balance, and took a large step backwards to prevent herself
4 from falling. During the one-leg-stand test, Respondent raised her right foot off the ground and
5 had to use her arms for balance. She also placed her foot on the ground several times to maintain
6 her balance. Respondent chose not to submit to a preliminary alcohol screening (PAS) test.

7 16. At approximately 10:59 a.m., Officer T.K. arrested Respondent for driving under the
8 influence of alcohol. After Officer T.K. advised Respondent of her rights under Vehicle Code
9 section 23612, Respondent agreed to a blood test to determine the alcoholic content of her blood.
10 Officer T.K. transported her to the Nevada County Jail, where he observed a phlebotomist obtain
11 a blood sample from Respondent's left arm at approximately 11:55 a.m. The blood sample
12 measured a blood alcohol concentration of 0.19%.

13 17. On or about December 13, 2018, in *The People of the State of California v. Ann*
14 *Knabe Engel*, Case No. M18-001675, Respondent was charged with the following: (1) Driving
15 Under the Influence of Alcohol, in violation of Vehicle Code section 23152(a); and (2) Driving
16 While Having a 0.08% or Higher Blood Alcohol, in violation of Vehicle Code section 23152(b).
17 It was further alleged that Respondent had a blood alcohol concentration over 0.15%, by weight,
18 thus subjecting her to additional punishment under Vehicle Code section 23578.

19 18. On or about February 25, 2019, Respondent pleaded no contest to Driving While
20 Having a 0.08% or Higher Blood Alcohol, in violation of Vehicle Code section 23152(b).
21 Respondent also admitted, pursuant to Vehicle Code section 23578, that she drove with a blood
22 alcohol concentration over 0.15%. The Superior Court judge sentenced Respondent to: serve
23 three (3) years' probation; serve five (5) days in Nevada County jail (including four (4) days in
24 the Work Release Program); attend a DUI Victim Impact Panel; enroll in and complete 3-month
25 DUI program; submit to chemical testing of blood, breath, or urine; pay fines and fees totaling
26 \$2,323.25; refrain from knowingly operating a motor vehicle without a valid driver's license and
27 insurance; and refrain from driving with a measurable amount of alcohol in her blood.


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3. Ordering Ann Knabe Engel, 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: November 27, 2019


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

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