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

In the Matter of the First Amended Accusation Against: Ravindra Moharpal Gautam, M.D. Physician's & Surgeon's Certificate No A56418 Respondent	Case No. 800-2016-027138

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 AUG 0 5 2020

IT IS SO ORDERED JUL 0 6 2020

MEDICAL BOARD OF CALIFORNIA

By: Ronald H. Lewis, MD

Ronald H. Lewis, M.D., Chair
Panel A

XAVIER BECERRA
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General
TAN N. TRAN
Deputy Attorney General
State Bar No. 197775
California Department of Justice
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Attorneys for Complainant

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

In the Matter of the First Amended Accusation Against: **RAVINDRA MOHARPAL GAUTAM, M.D.** **930 W. Main Street** **Barstow, CA 92311-2654** **Physician's and Surgeon's Certificate No. A 56418,** Respondent.	Case No. 800-2016-027138 OAH No.: 2019100184 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

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

PARTIES

1. Kimberly Kirchmeyer (Complainant) was the Executive Director of the Medical Board of California. She brought this action solely in her official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Tan N. Tran, Deputy Attorney General.

2. Respondent Ravindra Moharpal Gautam, M.D. ("Respondent") is represented in this proceeding by attorney Kathleen A. Stosuy, Esq., whose address is: Kramer, DeBoer & Keane, LLP, 74770 Highway 111, Suite 20, Indian Wells, California 92210.

3. On or about November 27, 1996, the Medical Board of California issued Physician's and Surgeon's Certificate No. A 56418 to Ravindra Moharpal Gautam, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2016-027138 and will expire on June 30, 2020, unless renewed.

JURISDICTION

4. First Amended Accusation No. 800-2016-027138 was filed before the Medical Board of California (Board), Department of Consumer Affairs, and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent. Respondent timely filed his Notice of Defense contesting the First Amended Accusation.

5. A copy of First Amended Accusation No. 800-2016-027138 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Accusation No. 800-2016-027138. 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 First Amended Accusation; the right to be represented by counsel at his own expense; 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.

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CULPABILITY

9. Respondent does not contest that at an administrative hearing, complainant could establish a *prima facie* case with respect to the charges and allegations contained in First Amended Accusation No. 800-2016-027138, and that he has thereby subjected his Physician's and Surgeon's Certificate No. A 56418 to disciplinary action.

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 imposition of discipline as set forth in the Disciplinary Order below.

RESERVATION

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

CONTINGENCY

12. 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.

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13. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

14. 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

A. PUBLIC REPRIMAND

IT IS HEREBY ORDERED that Respondent Ravindra Moharpal Gautam, M.D., Physician's and Surgeon's Certificate No. A 56418, shall be and is hereby Publicly Reprimanded, with terms and conditions below, pursuant to California Business and Professions Code section 2227, subdivision (a)(4). This Public Reprimand, is issued in connection with Respondent's care and treatment of three patients, as set forth in First Amended Accusation No. 800-2016-027138, attached as exhibit A and incorporated herein by reference.

B. EDUCATION COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for its prior approval educational program(s) or course(s) which shall not be less than 40 hours. The educational program(s) or course(s) shall be aimed at correcting any areas of deficient practice or knowledge and shall be Category I certified. The educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure. Following the completion of each course, the Board or its designee may administer an examination to test Respondent's knowledge of the course.

C. PRESCRIBING PRACTICES COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in prescribing practices approved in advance by the Board or its designee. Respondent shall provide the approved course provider with any information and documents that the approved course provider may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. Respondent shall

successfully complete any other component of the course within one (1) year of enrollment. The prescribing practices course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

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

D. <u>MEDICAL RECORD KEEPING COURSE</u>. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in medical record keeping approved in advance by the Board or its designee. Respondent shall provide the approved course provider with any information and documents that the approved course provider may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The medical record keeping course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A medical record keeping course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Board or its designee had the course been taken after the effective date of this Decision.

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

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

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

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

F. VIOLATION OF DISCIPLINARY ORDER. If Respondent fails to fully comply with any term or condition above, in any respect, this failure to comply by Respondent constitutes a violation of this Disciplinary Order, and the Board, after giving Respondent notice and the opportunity to be heard, may pursue disciplinary action against Respondent, pursuant to section 2004 of the Code. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed against Respondent, the Board shall have continuing jurisdiction until the matter is final.

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ACCEPTANCE

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

DATED: 2/18/20

Ravindra Moharpal Gautam, M.D.
Respondent

I have read and fully discussed with Respondent the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____

Kathleen A. Stosuy
Attorney for Respondent

ENDORSEMENT

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

Dated:

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General

TAN N. TRAN
Deputy Attorney General
Attorneys for Complainant

ACCEPTANCE

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

DATED: _____

Ravindra Moharpal Gautam, M.D.
Respondent

I have read and fully discussed with Respondent the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 2-18-20

Kathleen A. Stosuy
Attorney for Respondent

ENDORSEMENT

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

Dated: 2/19/20

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General

TAN N. TRAN
Deputy Attorney General
Attorneys for Complainant

Exhibit A

First Amended Accusation No. 800-2016-027138

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

In the Matter of the First Amended Accusation Against: **RAVINDRA MOHARPAL GAUTAM, M.D.** **930 West Main Street,** **Barstow, CA 92311** **Physician's and Surgeon's Certificate No. A56418,** Respondent.	Case No. 800-2016-027138 **FIRST AMENDED ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about November 27, 1996, the Medical Board issued Physician's and Surgeon's Certificate Number A56418 to Ravindra Moharpal Gautam, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2020, unless renewed.

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JURISDICTION

3. This First Amended Accusation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2004 of the Code states:

"The board shall have the responsibility for the following:

"(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

"(b) The administration and hearing of disciplinary actions.

"(c) Carrying out disciplinary actions appropriate to findings made by a panel or an administrative law judge.

"(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of disciplinary actions.

"(e) Reviewing the quality of medical practice carried out by physician and surgeon certificate holders under the jurisdiction of the board.

"(f) Approving undergraduate and graduate medical education programs.

"(g) Approving clinical clerkship and special programs and hospitals for the programs in subdivision (f).

"(h) Issuing licenses and certificates under the board's jurisdiction.

"(i) Administering the board's continuing medical education program."

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

6. 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:

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

"(b) Gross negligence.

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

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

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

"(d) Incompetence.

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

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

"(g) The failure by a certificate holder, in the absence of good cause, to attend and participate in an interview scheduled by Board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board."

7. Section 2238 of the Code provides the following:

"A violation of any federal statute or federal regulation or any of the statutes or regulations of this state regulating dangerous drugs or controlled substances constitutes unprofessional conduct."

8. Section 2239, subdivision (a), of the Code provides the following:

"The use or prescribing for or administering to himself or herself, of any controlled substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to

any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely or more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section, or any combination thereof, constitutes unprofessional conduct. The record of the conviction is conclusive evidence of such unprofessional conduct."

9. Section 2266 of the Code states: "The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct."

FIRST CAUSE FOR DISCIPLINE

(Repeated Negligent Acts- 3 Patients)

10. Respondent is subject to disciplinary action under section 2234, subdivision (c), of the Code in that he committed repeated negligent acts in his care of Patient 1, Patient 2, and Patient 3.[1] The circumstances are as follows:

Patient 1

11. Patient 1 (or "patient") is a seventy-one year-old male who treated with Respondent from about November 2015 through November 2017.[2] Patient 1 had a medical history which included anemia, hyperlipidemia, chronic kidney disease, hypertension, obstructive airway disease, prior stroke, gastroesophageal reflux disease, abdominal aortic aneurysm, peripheral vascular disease, and low back pain. Patient 1 was receiving primarily Norco and Methadone (both opioids/painkillers), as well as blood pressure medications.

12. Respondent documented that a history and physical examination were performed on Patient 1, but there was no documentation that drug testing was being performed regularly on Patient 1, and Respondent was uncertain whether or not he was utilizing the CURES[3] database at

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[1] The patients herein are identified by numbers to protect their privacy.

[2] These are approximate dates based on the records available for review. Patient 1 may have treated with Respondent before or after these dates.

[3] CURES allows healthcare prescribers, pharmacists, law enforcement, and regulatory boards to access patients' and providers' controlled substance prescription histories. CURES is intended to assist in the reduction of prescription drug abuse in California. As of July 1, 2016, all physicians in California were required to register with CURES.

that time, as there are no CURES reports in the chart nor is there documentation that reports were run. Also, the documentation regarding Patient 1's blood pressure appeared "cut and pasted." These acts and omissions, as described above, constitute simple departures from the standard of care.

Patient 2

13. Patient 2 is a sixty-ninety year-old female who treated with Respondent from about 2011 to November 2017.[4] The patient had chronic diagnoses of hypothryroidism, hyperlipidemia, major depression, anxiety, chronic kidney disease, peripheral vascular disease, chronic obstructive pulmonary disease (COPD), liver cirrhosis, low back pain, and bradycardia. Records indicate that during this time period, Respondent prescribed to Patient 2 primarily the pain medications Norco and Methadone.

14. Chart notes for the period between November 2015 to November 2017 showed that Patient 2 reported pain levels ranging from 0/10 to 8/10. However, the pain medications, quantities, and directions were never adjusted. A history and physical examination were documented, but a medical indication for treatment with opioids was not clearly stated. As in Patient 1 mentioned above, there was no documentation that drug testing was being performed regularly on Patient 2, and Respondent was uncertain whether or not he was utilizing the CURES database at that time, as there are no CURES reports in the chart nor is there documentation that reports were run. Also, the documentation regarding Patient 2's blood pressure appeared "cut and pasted." These acts or omissions, as described above, constitute simple departures from the standard of care.

Patient 3

15. Patient 3 is a ninety-one year-old male who treated with Respondent from about February 2015 to November 2017.[5] The patient had a history significant for hypertension,

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[4] Again, these are approximate dates. The earliest chart note available for review for Patient 2 begin on November 17, 2015, but it appears that Patient 2 begins seeing Respondent beginning around 2011.

[5] Again, these are approximate dates. Patient 3 could have treated with Respondent before and after these dates.

chronic renal failure, depression, diabetes, chronic low back pain secondary to Degenerative Joint Disease of the spine and central canal stenosis, dyslipidemia, cataracts, and glaucoma. Records indicate that during this time period, Respondent prescribed to Patient 3 primarily the pain medications Norco, Soma, and occasional prescriptions for Dilaudid.

16. A history and physical examination were documented, and Respondent appeared to be prescribing opioids to Patient 3 for his chronic back pain. As with the patients described above, Respondent was uncertain whether or not he was utilizing the CURES database at that time, as there are no CURES reports in the chart nor is there documentation that reports were run. These acts or omissions, as described above, constitute simple departures from the standard of care.

SECOND CAUSE FOR DISCIPLINE

(Self-Prescribing Controlled Substances)

17. Respondent is subject to disciplinary action under Code sections 2234, subdivision (a), 2238, as well as 2239, subdivision (a) in that Respondent prescribed controlled substances to himself. The circumstances are as follows:

18. Between December 2013 and October 2016, Respondent prescribed to himself controlled substances, including the following: benzodiazepines (including, Alprazolam/Xanax (used for anxiety)) and the sleep aid Zolpidem/Ambien.

19. Respondent's acts and/or omissions as set forth in paragraph 18, above, constitutes self-prescribing, and, therefore, unprofessional conduct within the meaning of section 2239 of the Code. Respondent's self-prescribing of controlled substances also constitutes simple departures from the standard of care. Therefore, cause for discipline exists.

THIRD CAUSE FOR DISCIPLINE

(Inadequate Records)

20. By reason of the facts and allegations set forth in the First and Second Causes for Discipline above, Respondent is subject to disciplinary action under section 2266 of the Code, in that Respondent failed to maintain adequate and accurate records of his care and treatment of Patients 1, 2, and 3, as well as records of his self-prescribing of controlled substances.

Respondent's records pertaining to Patients 1, 2, and 3 are also inadequate because they appear to be "cut and pasted" from previous notes, and also fail to attach electronic signatures to the progress notes, which makes it difficult to know for certain which provider saw the patient at a given visit.

PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number A56418, issued to Ravindra Moharpal Gautam, M.D.;

2. Revoking, suspending or denying approval of Ravindra Moharpal Gautam, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code, or advanced practice nurses;

3. Ordering Ravindra Moharpal Gautam, 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: MAR 18 2020

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

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