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

In the Matter of the Accusation Against Michele Louise Riopelle, M.D. Physician's and Surgeon's Certificate No. A44768 Respondent.	Case No. 800-2019-058233

DECISION

The attached Stipulated Surrender of License and 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 03 2020.

IT IS SO ORDERED JUL 27 2020.

MEDICAL BOARD OF CALIFORNIA

By: William Prasifka
Executive Director

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
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BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **MICHELE LOUISE RIOPELLE, M.D.** 30 Alamo Oaks Ln Alamo, CA 94507-2700 Physician's and Surgeon's Certificate No. A 44768 Respondent.	Case No. 800-2019-058233 **STIPULATED SURRENDER OF LICENSE AND 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. William Prasifka (Complainant) is the Executive Director of the Medical Board of California (Board). This action was brought and has been maintained solely in the official capacity of the Board's Executive Director. Complainant is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Jane Zack Simon, Supervising Deputy Attorney General.

2. Michele Louise Riopelle, M.D. (Respondent) is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

3. On April 25, 1988, the Board issued Physician's and Surgeon's Certificate No. A 44768 to Michele Louise Riopelle, M.D. The Physician's and Surgeon's Certificate was in full

force and effect at all times relevant to the charges brought in Accusation No. 800-2019-058233 and will expire on August 31, 2021, unless renewed.

JURISDICTION

4. Accusation No. 800-2019-058233 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent and Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2019-058233 is attached as Exhibit A.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 800-2019-058233. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her 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.

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

CULPABILITY

8. Respondent understands that the charges and allegations in Accusation No. 800-2019-058233, if proven at a hearing, constitute cause for imposing discipline upon her Physician's and Surgeon's Certificate.

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation and that those charges constitute cause for discipline.

Respondent hereby gives up her right to contest that cause for discipline exists based on those charges.

10. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Physician's and Surgeon's Certificate without further process.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her 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 Surrender 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 Surrender of License and 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 Order:

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 44768, issued to Respondent Michele Louise Riopelle, M.D., is surrendered and accepted by the Board.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

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

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

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2019-058233 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 800-2019-058233 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. 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 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 7-20-2020

MICHELE LOUISE RIOPELLE, M.D.
Respondent

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ENDORSEMENT

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

DATED: 7/23/2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California

Jane Zack Simon

JANE ZACK SIMON
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2019-058233

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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 Accusation Against: **Michele Louise Riopelle, M.D.** 30 Alamo Oaks Ln Alamo, CA 94507-2700 Physician's and Surgeon's Certificate No. A 44768, Respondent.	Case No. 800-2019-058233 **A C C U S A T I O N**

PARTIES

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

2. On April 25, 1988, the Medical Board issued Physician's and Surgeon's Certificate Number A 44768 to Michele Louise Riopelle, 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 August 31, 2021, unless renewed.

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JURISDICTION

3. This 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 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.

5. Section 2234 of the Code provides that the Board shall take action against any licensee who is charged with unprofessional conduct.

6. Section 2280 of the Code provides that it is unprofessional conduct for a licensee to practice medicine while under the influence of alcohol to such an extent as to impair his or her ability to safely practice.

7. Section 2239 of the Code provides that it is unprofessional conduct for a licensee to use alcohol, dangerous drugs or controlled substances 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.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Use of Alcohol in a Dangerous Manner/Practice While Under the Influence)

8. Respondent is an obstetrician/gynecologist, and at the time of the events alleged, practiced at San Ramon Regional Medical Center (SRRMC). Respondent was the on-call obstetrician for SRRMC labor and delivery between 7 a.m. on July 31, 2019 and 7 a.m. on August 1, 2019. On the night of July 31-August 1, 2019, at approximately midnight, Respondent received a call from another obstetrician/gynecologist to assist with a cesarean section. Respondent agreed to respond to the hospital.

9. SRRMC bylaws require a 30 minute response time for a cesarean section assistant. When Respondent had not reported to the hospital after about 40 minutes, nursing staff

telephoned her, and Respondent stated she was in the parking lot. The attending obstetrician was advised Respondent had arrived, and expecting that she would promptly report to the operating room, commenced the procedure. When Respondent entered the hospital, nursing staff noticed she was unsteady on her feet, slurring her speech, confused and incoherent. Respondent had difficulty washing her hands and was unable to tie her shoes or properly put on her mask and gloves. Respondent denied taking any medication, and maintained she was fine. Although nursing staff attempted to prevent her from doing so, Respondent insisted on entering the operating room, where – in the presence of the patient and her husband - she attempted without success to put on a gown and gloves. Respondent then approached the patient, who was still on the procedure table, and had to be escorted out of the operating room. By the time Respondent entered the operating room, the attending ob/gyn had completed the cesarean section with the assistance of a pediatrician.

10. Respondent was taken to the emergency room for evaluation at 1:55 a.m. on August 1, 2019. She was noted to have altered speech and poor coordination. Respondent reported she took a muscle relaxant (she could not recall which one) at noon the previous day, and denied consuming any other medication or alcohol. Concerned about a neurological event, the emergency room physician performed a full neurologic evaluation, including a CT scan, which yielded negative results. After a blood test revealed a blood alcohol level of .30%, Respondent was discharged to her husband's care with a diagnosis of acute alcohol intoxication.

11. Respondent's certificate is subject to disciplinary action for unprofessional conduct pursuant to sections 2234 and/or 2239 of the Code, in that she used alcoholic beverages to such an extent or in a manner as to be dangerous to herself, others and the public.

12. Respondent's certificate is subject to disciplinary action for unprofessional conduct pursuant to sections 2234 and/or 2280 in that she agreed to and attempted to assist in surgery when she was under the influence of and impaired by alcohol, and unable to safely practice.

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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 A 44768, issued to Michele Louise Riopelle, M.D.;

2. Revoking, suspending or denying approval of Michele Louise Riopelle, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Michele Louise Riopelle, 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 26 2020

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

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