

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

In the Matter of the Accusation
Against:

Linda Adele Warren, M.D.

Physician's and Surgeon's
Certificate No. C 40079

Respondent.

Case No. 800-2017-034090

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 October 31, 2020.

IT IS SO ORDERED AUG 14 2020.

MEDICAL BOARD OF CALIFORNIA



William Prasifka
Executive Director

1 XAVIER BECERRA
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 JONATHAN NGUYEN
Deputy Attorney General
4 State Bar No. 263420
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 269-6434
Facsimile: (916) 731-2117
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 800-2017-034090

13 **LINDA ADELE WARREN, M.D.**
14 **6627 South Holt Avenue**
Los Angeles, CA 90056-2211

OAH No. 2019110267

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Physician's and Surgeon's Certificate No.**
16 **C 40079,**

17 Respondent.

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
24 Jonathan Nguyen, Deputy Attorney General.

25 2. LINDA ADELE WARREN, M.D. (Respondent) is represented in this proceeding by
26 attorney Dennis R. Thelen, Esq., whose address is: 5001 E. Commercenter Drive, Suite 300,
27 Bakersfield, CA 93309.

28 3. On or about October 5, 1981, the Board issued Physician's and Surgeon's Certificate

1 No. C 40079 to Respondent. The Physician's and Surgeon's Certificate was in full force and
2 effect at all times relevant to the charges brought in Accusation No. 800-2017-034090 and will
3 expire on October 31, 2020, unless renewed.

4 JURISDICTION

5 4. Accusation No. 800-2017-034090 was filed before the Board, and is currently
6 pending against Respondent. The Accusation and all other statutorily required documents were
7 properly served on Respondent on October 7, 2019. Respondent timely filed her Notice of
8 Defense contesting the Accusation. A copy of Accusation No. 800-2017-034090 is attached as
9 Exhibit A and incorporated by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 800-2017-034090. Respondent also has carefully read,
13 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License
14 and Order.

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

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

23 CULPABILITY

24 8. Respondent understands that the charges and allegations in Accusation No. 800-2017-
25 034090, if proven at a hearing, constitute cause for imposing discipline upon her Physician's and
26 Surgeon's Certificate.

27 9. For the purpose of resolving the Accusation without the expense and uncertainty of
28 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a prima

1 facie case with respect to the charges and allegations contained in the Accusation and that those
2 charges and allegations constitute cause for discipline. Respondent hereby gives up her right to
3 contest those charges and allegations.

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

7 **RESERVATION**

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

12 **CONTINGENCY**

13 12. This stipulation shall be subject to approval by the Board. Respondent understands
14 and agrees that counsel for Complainant and the staff of the Board may communicate directly
15 with the Board regarding this stipulation and surrender, without notice to or participation by
16 Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that
17 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board
18 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
19 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
20 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
21 be disqualified from further action by having considered this matter.

22 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
23 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures
24 thereto, shall have the same force and effect as the originals.

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

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28 ///

1 **ORDER**

2 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C 40079, issued
3 to Respondent LINDA ADELE WARREN, M.D., is surrendered and accepted by the Board
4 effective on October 31, 2020.

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

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

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

13 4. If Respondent ever files an application for licensure or a petition for reinstatement in
14 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
15 comply with all the laws, regulations and procedures for reinstatement of a revoked or
16 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
17 contained in Accusation No. 800-2017-034090 shall be deemed to be true, correct and admitted
18 by Respondent when the Board determines whether to grant or deny the petition.

19 5. If Respondent should ever apply or reapply for a new license or certification, or
20 petition for reinstatement of a license, by any other health care licensing agency in the State of
21 California, all of the charges and allegations contained in Accusation, No. 800-2017-034090 shall
22 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
23 Issues or any other proceeding seeking to deny or restrict licensure.


24 **ACCEPTANCE**

25 I have carefully read the above Stipulated Surrender of License and Order and have fully
26 discussed it with my attorney Dennis R. Thelen, Esq. I understand the stipulation and the effect it
27 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of
28 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the

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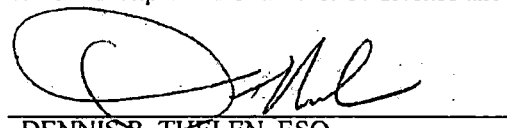
Decision and Order of the Medical Board of California.

DATED: 6-21-2020


Linda Adele Warren, MD
LINDA ADELE WARREN, M.D.
Respondent

I have read and fully discussed with Respondent LINDA ADELE WARREN, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

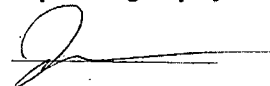
DATED: 6-15-20


DENNIS R. THELEN, ESQ.
Attorney for Respondent

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: 6/23/20

Respectfully submitted,
XAVIER BECERRA
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General

JONATHAN NGUYEN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2017-034090

1 XAVIER BECERRA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 JOCELYN PARK
Deputy Attorney General
4 State Bar No. 274738
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7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Oct. 7 20 19
BY A. Becerra ANALYST

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

12 In the Matter of the Accusation Against:

Case No. 800-2017-034090

13 **Linda Adele Warren, M.D.**
14 **6627 South Holt Avenue**
Los Angeles, CA 90056

ACCUSATION

15 **Physician's and Surgeon's Certificate**
16 **No. C40079,**

17 Respondent.

18
19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer
22 Affairs (Board).

23 2. On or about October 5, 1981, the Medical Board issued Physician's and Surgeon's
24 Certificate Number C40079 to Linda Adele Warren, M.D. (Respondent). The Physician's and
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
26 herein and will expire on October 31, 2020, unless renewed.

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1 JURISDICTION

2 3. This Accusation is brought before the Board, under the authority of the following laws.
3 All section references are to the Business and Professions Code (Code) unless otherwise
4 indicated.

5 4. Section 2004 of the Code states:

6 "The board shall have the responsibility for the following:

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

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

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

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

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

16 "..."

17 5. Section 2227 of the Code states:

18 "(a) A licensee whose matter has been heard by an administrative law judge of the Medical
19 Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default
20 has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary
21 action with the board, may, in accordance with the provisions of this chapter:

22 "(1) Have his or her license revoked upon order of the board.

23 "(2) Have his or her right to practice suspended for a period not to exceed one year upon
24 order of the board.

25 "(3) Be placed on probation and be required to pay the costs of probation monitoring upon
26 order of the board.

27 "(4) Be publicly reprimanded by the board. The public reprimand may include a
28 requirement that the licensee complete relevant educational courses approved by the board.

1 “(5) Have any other action taken in relation to discipline as part of an order of probation, as
2 the board or an administrative law judge may deem proper.

3 “(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical
4 review or advisory conferences, professional competency examinations, continuing education
5 activities, and cost reimbursement associated therewith that are agreed to with the board and
6 successfully completed by the licensee, or other matters made confidential or privileged by
7 existing law, is deemed public, and shall be made available to the public by the board pursuant to
8 Section 803.1.”

9 6. Section 2234 of the Code, states:

10 “The board shall take action against any licensee who is charged with unprofessional
11 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
12 limited to, the following:

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

15 “(b) Gross negligence.

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

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

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

26 “...”

27 7. Section 2266 of the Code states:

28

1 "The failure of a physician and surgeon to maintain adequate and accurate records relating
2 to the provision of services to their patients constitutes unprofessional conduct."

3 **FACTUAL ALLEGATIONS**

4 8. Patient 1,¹ then a 56-year-old female patient, presented to Respondent at Farid Medical
5 Group with complaints of post menopausal vaginal bleeding. Patient 1 reported that her menses
6 had ceased three years ago, but she was experiencing spotty brown vaginal bleeding accompanied
7 by mucous, for about one year. The bleeding increased with exercise. Patient 1 also complained
8 of urinary incontinence. Her past history was significant for diabetes and hypertension. Her
9 physical exam revealed morbid obesity and atrophic pelvic changes involving the vagina and
10 cervix. Respondent listed post-menopausal bleeding, incontinence, and obesity as her diagnoses.
11 The plan was for a pap smear, testing for follicle-stimulating hormone (FSH) and estradiol levels,
12 a pelvic ultrasound, and urinalysis.

13 9. On or about August 14, 2013, Respondent saw Patient 1 and ordered an ultrasound and
14 lab work.

15 10. The ultrasound was completed on August 26, 2013. Evidence of bloodwork was not
16 found in the clinical patient records.

17 11. The patient failed to show up for her scheduled September 9, 2013 visit with another
18 doctor in the office. Office policy states that the chart of patients who missed their appointments
19 are to be placed on the physician's desk.

20 12. The clinic had a practice of staff sorting all labs that come in, with normal tests being
21 filed and abnormal tests being placed on the physician's desk to be reviewed by the physician.
22 Once reviewed, the physician would initial and date the report to be filed or write further
23 instructions.

24 13. The ultrasound was dated September 9, 2013 with a signature that looked like the
25 signature of the Respondent. Per the clinic assistant, Respondent reviewed the chart with no
26 further recommendations.

27
28 ¹ For privacy purposes, the patient in this Accusation is referred to as Patient 1, with the identity of
the patient disclosed to Respondent in discovery.

1 14. However, the ultrasound was grossly abnormal with uterine enlargement, including a
2 7cm heterogeneous mass. The endometrium was thickened at 27.6mm. The radiologist noted
3 that the patient should be further evaluated with an MRI.

4 15. Respondent took no action to notify Patient 1 of her test results, directly or indirectly,
5 or to refer her for a biopsy.

6 16. Patient 1 was not informed of the abnormal findings until she was seen by another
7 physician the next year. She was eventually diagnosed with endometrial cancer.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Gross Negligence – Failure to Follow-up on Diagnostic Testing for Cancer)**

10 17. Respondent is subject to disciplinary action under section 2234, subdivision (b), of the
11 Code, in that she engaged in gross negligence by failing to follow-up with the patient or with the
12 clinical staff regarding the patient's ultrasound test results after referral for a possible diagnosis of
13 endometrial cancer.

14 18. The standard of medical practice for a physician in the clinical setting includes
15 ordering of laboratory tests with an obligation for follow-up. Physicians have a responsibility to
16 monitor if the tests are completed by the patient and the laboratory. They then have an obligation
17 to review the results, interpret the findings, notify the patient, and plan further treatment.

18 19. Respondent's acts and/or omissions, as set forth in Paragraphs 8 through 16 above,
19 constitute an extreme departure from the standard of care.

20 20. Respondent's acts and/or omissions, as set forth in Paragraphs 8 through 16, whether
21 proven individually, jointly, or in any combination thereof, constitute gross negligence pursuant
22 to section 2234, subdivision (b), of the Code. Therefore, cause for discipline exists.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Repeated Negligent Acts)**

25 21. Respondent is subject to disciplinary action under section 2234, subdivision (c), of the
26 Code, in that she engaged in repeated acts of negligence in the care and treatment of Patient 1.
27 Specifically, she was negligent in managing the patient's post-menopausal bleeding and in
28 obtaining informed consent as to the diagnosis plan.

1 22. The allegations of the first cause for discipline are incorporated by reference as if fully
2 set forth herein.

3 23. The standard of care when it comes to management of post-menopausal bleeding is
4 that vaginal bleeding arising after menopause must be considered due to cancer, until proven
5 otherwise. Although confirmatory testing may be warranted and initiated, a biopsy of the
6 endometrium is required for diagnosis.

7 24. The standard of care in obtaining informed consent is to ensure that the patient is
8 properly informed that vaginal bleeding is the only reliable warning sign of endometrial cancer.
9 The patient should understand that accurate diagnosis requires tissue sampling via office
10 endometrial biopsy or curettage under anesthesia. Ultrasound may be indicative of the diagnosis
11 but is not always conclusive. Furthermore, the etiology of the bleeding requires treatment via
12 hormonal therapy or surgical intervention, after the diagnosis has been made. A patient who is
13 aware of the risk of cancer and the need for a biopsy and further treatment would be more likely
14 to return for proper follow-up.

15 25. A physician's options in evaluating a patient for cancer include ultrasound
16 examination with an endometrial biopsy, hysteroscopy, or dilation and curettage.

17 26. A normal ultrasound findings would still have required additional evaluation of the
18 endometrial cavity to ascertain the origin of the uterine bleeding.

19 27. Respondent failed to initiate a diagnosis plan that involved acquiring a tissue sample
20 using any procedures. Respondent did not attempt to obtain insurance authorization for the
21 critical biopsy at the first visit, along with authorization for the ultrasound, to ensure timeliness
22 and completeness of diagnosis.

23 28. Respondent also failed to properly communicate a diagnosis, treatment plan, and
24 obtain consent from the patient. The critical need for follow-up on the ultrasound and tissue
25 sample was not conveyed to the patient, along with stressing the importance of ruling out cancer.
26 Making sure the patient understood that cancer was a possibility would have ensured compliance
27 with the diagnosis plan. The brief chart note, documenting that patient was instructed to return
28

1 after her ultrasound, did not indicate that the urgency of follow up was properly communicated to
2 Patient 1.

3 29. Respondent's acts and/or omissions as set forth in paragraphs 8 through 28 above,
4 whether proven individually, jointly, or in any combination thereof, constitute repeated acts of
5 negligence pursuant to section 2234, subdivision (c), of the Code. Therefore, cause for discipline
6 exists.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Failure to Maintain Adequate and Accurate Medical Records)**

9 30. Respondent is subject to disciplinary action under section 2266 of the Code for failing
10 to maintain adequate and accurate records relating to her care and treatment of Patient 1.
11 Complainant refers to and, by this reference, incorporates herein, paragraphs 8 through 29, above,
12 as though fully set forth herein.

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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 C 40079, issued to Linda Adele Warren, M.D.;
2. Revoking, suspending or denying approval of Linda Adele Warren, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Linda Adele Warren, 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: October 7, 2019



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

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