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

In the Matter of the First Amended Accusation Against: **Tammy Theresa Stokes, L.M.** **Midwife Certificate No. LM 384** **Respondent.**	**Case No. 800-2016-028082**

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 SEP 24 2020

IT IS SO ORDERED AUG 25 2020

MEDICAL BOARD OF CALIFORNIA

Kristina Lawson

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

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General
LEANNA E. SHIELDS
Deputy Attorney General
State Bar No. 239872
600 West Broadway, Suite 1800
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 738-9401
Facsimile: (619) 645-2061

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: **TAMMY THERESA STOKES, L.M.** 35385 Beech Avenue Yucaipa, CA 92399-3923 **Midwife Certificate No. LM 384,** Respondent.	Case No. 800-2016-028082 OAH No. 2019120809 **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. Christine J. Lally (Complainant) is the Interim Executive Director of the Medical Board of California, Department of Consumer Affairs (Board). 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 LeAnna E. Shields, Deputy Attorney General.

2. Respondent Tammy Theresa Stokes, L.M. (Respondent) is represented in this proceeding by attorney Peter R. Osinoff, Esq., with Bonne, Bridges, Mueller, O'Keefe & Nichols,

whose address is 355 South Grand Avenue, Suite 1750, Los Angeles, CA 90071, phone number: (213) 480-1900.

3. On or about December 27, 2013, the Board issued Midwife Certificate No. LM 384 to Respondent. The Midwife Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2016-028082, and will expire on August 31, 2021, unless renewed.

JURISDICTION

4. On November 21, 2019, the First Amended Accusation No. 800-2016-028082 was filed before the Board, and is currently pending against Respondent. A true and correct copy of the first Amended Accusation No. 800-2016-028082 and all other statutorily required documents were properly served on Respondent on November 21, 2019. Respondent timely filed her Notice of Defense contesting the Accusation. A true and correct copy of the First Amended Accusation No. 800-2016-028082 is attached as Exhibit A and incorporated by reference as if fully set forth herein.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and fully understands the charges and allegations in the First Amended Accusation No. 800-2016-028082. Respondent has also carefully read, fully discussed with counsel, and fully understands the effects of this Stipulated Settlement and Disciplinary 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 First Amended Accusation; 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. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation contained in paragraphs 1-7, 9-30, 32-33, in the First Amended Accusation No. 800-2016-028082, and that she has thereby subjected her Midwife Certificate No. LM 384 to disciplinary action.

9. Respondent agrees that her Midwife Certificate No. LM 384 is subject to discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

10. This Stipulated Settlement and Disciplinary Order shall be subject to approval of the Board. The parties agree that this Stipulated Settlement and Disciplinary Order shall be submitted to the Board for its consideration in the above-entitled matter and, further, that the Board shall have a reasonable period of time in which to consider and act on this Stipulated Settlement and Disciplinary Order after receiving it. By signing this stipulation, Respondent fully understands and agrees that she may not withdraw her agreement or seek to rescind this stipulation prior to the time the Board considers and acts upon it.

11. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null and void and not binding upon the parties unless approved and adopted by the Board, except for this paragraph, which shall remain in full force and effect. Respondent fully understands and agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and Disciplinary Order, the Board may receive oral and written communications from its staff and/or the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the Board, any member thereof, and/or any other person from future participation in this or any other matter affecting or involving Respondent. In the event that the Board does not, in its discretion, approve and adopt this Stipulated Settlement and Disciplinary Order, with the exception of this paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party hereto. Respondent further agrees that should this Stipulated Settlement and Disciplinary Order be rejected for any reason by the Board, Respondent will assert no claim that the Board, or any

member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Settlement and Disciplinary Order or of any matter or matters related hereto.

ADDITIONAL PROVISIONS

12. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to be an integrated writing representing the complete, final and exclusive embodiment of the agreements of the parties in the above-entitled matter.

13. The parties agree that copies of this Stipulated Settlement and Disciplinary Order, including copies of the signatures of the parties, may be used in lieu of original documents and signatures and, further, that such copies shall have the same force and effect as 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

IT IS HEREBY ORDERED that Midwife Certificate No. LM 384 issued to Respondent Tammy Theresa Stokes, L.M., shall be and is hereby publicly reprimanded. This public reprimand, which is issued in connection with the First Amended Accusation No. 800-2016-028082, is as follows:

From on or about September 17, 2014, through on or about December 12, 2016, Respondent committed repeated negligent acts and failed to maintain adequate and accurate medical records in her care and treatment of Patients A, B, C, D, E, F, and G, as more fully described in the First Amended Accusation No. 800-2016-028082.

1. EDUCATION COURSE. Within one (1) year of the effective date of this Decision, Respondent shall complete not less than forty (40) hours of Continuing Medical Education (CME). The CME courses shall be aimed at correcting any areas of deficient practice or knowledge in the practice of midwifery. The forty (40) hours of CME shall be at Respondent's expense and shall be in addition to the CME requirements for renewal of licensure. Respondent shall submit proof of completion to the Board or its designee.

///

2. MEDICAL RECORD KEEPING COURSE. 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.

3. 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.

4. COST RECOVERY. Respondent shall reimburse the Board the costs of the investigation and prosecution of this case, which are $8,000.00, within one (1) year of the effective date of this Decision and Order. The sum of $8,000.00 shall be paid in full directly to the Board within twelve (12) months from the effective date of this Decision and Order. Respondent may separate the payment into four (4) equal quarterly payments of $2,000.00 each. The filing of bankruptcy by Respondent shall not relieve Respondent of her responsibility to reimburse the Board for these costs. Failure to reimburse the Board's cost of investigation and prosecution shall constitute unprofessional conduct and grounds for discipline.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Peter R. Osinoff, Esq. I fully understand the stipulation and the effect it will have on my Midwife Certificate No. LM 384. 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: 4/27/2020

TAMMY THERESA STOKES, L.M.
Respondent

///

///

///

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

DATED: May 1, 2020 *Peter Osinoff*

PETER R. OSINOFF, ESQ.
Attorney for Respondent

ENDORSEMENT

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

DATED: _____

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General

LEANNA E. SHIELDS
Deputy Attorney General
Attorneys for Complainant

SD2019702815
82282677.docx

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

DATED: _____ _____
PETER R. OSINOFF, ESQ.
Attorney for Respondent

ENDORSEMENT

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

DATED: 5/7/2020 _____

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General

LEANNA E. SHIELDS
Deputy Attorney General
Attorneys for Complainant

SD2019702815
DAG signature page.docx

Exhibit A

First Amended Accusation No. 800-2016-028082

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General
LEANNA E. SHIELDS
Deputy Attorney General
State Bar No. 239872
600 West Broadway, Suite 1800
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 738-9401
Facsimile: (619) 645-2061

Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO NOV. 21 20 19
BY A. GERONA ANALYST

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

In the Matter of the First Amended Accusation Against: **TAMMY THERESA STOKES, L.M.** 35385 Beech Avenue Yucaipa, CA 92399-3923 Midwife Certificate No. LM 384, Respondent.	Case No. 800-2016-028082 **FIRST AMENDED ACCUSATION** (Cal. Gov. Code, § 11507.)

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.

2. On or about December 27, 2013, the Medical Board of California issued Midwife Certificate No. LM 384 to Tammy Theresa Stokes, L.M. (Respondent). The Midwife 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.

///

///

JURISDICTION

3. This First Amended Accusation, which supersedes the Accusation filed on November 18, 2019, in the above-entitled matter, is brought before the Medical Board of California (Board) for the Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2519 of the Code states, in pertinent part:

> The board may suspend, revoke, or place on probation the license of a midwife for any of the following:
>
> (a) Unprofessional conduct, which includes, but is not limited to, all of the following:
>
> (1) Incompetence or gross negligence in carrying out the usual functions of a licensed midwife.
>
> ...
>
> (e) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of this chapter.
>
> ...

5. Section 2234 of the Code states, in pertinent part:

> 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:
>
> ...
>
> (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.
>
> ...

6. Unprofessional conduct is conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.)

COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

8. Respondent has subjected her Midwife Certificate No. LM 384 to disciplinary action under section 2519, as defined by section 2519, subdivision (a)(1), of the Code, in that Respondent committed incompetence or gross negligence in her care and treatment of one or more patients, as more particularly alleged hereinafter:

Patient A[1]

9. On or about March 16, 2016, a prescription for progesterone[2] was filled by Patient A, a then 60-year-old female. According to I.C. Pharmacy records, the prescription was issued over the phone by Respondent, who indicated the prescription was authorized by another practitioner, M.K., who is a certified nurse midwife with a valid furnishing number.

10. On or about March 16, 2016, a prescription for testosterone[3] was filled by Patient A. According to I.C. Pharmacy records, the prescription was issued over the phone by Respondent, who indicated the prescription was authorized by M.K.

---

[1] Patient identities have been withheld for patient privacy purposes.

[2] Progesterone is medication commonly used in the treatment of infertility, symptoms associated with premenstrual syndrome, and other gynecological disorders. It is a dangerous drug pursuant to Business and Professions Code section 4022.

[3] Testosterone is a medication commonly used in the treatment of infertility. It is a dangerous drug pursuant to Business and Professions Code section 4022.

11. On or about April 21, 2016, a prescription for progesterone was filled by Patient A. According to I.C. Pharmacy records, the prescription was issued over the phone by Respondent, who indicated the prescription was authorized by M.K.

12. On or about April 21, 2016, M.K. received a fax request from I.C. Pharmacy to authorize a refill of Patient A's prescription for testosterone.

13. M.K. was not a treatment provider for Patient A and M.K. did not issue or otherwise authorize any prescriptions for Patient A.

Patient B

14. On or about November 6, 2015, a prescription for NuvaRing[4] was filled by Patient B, a then 25-year-old female. According to R.A. Pharmacy records, the prescription was issued over the phone on October 22, 2015, by Respondent, who indicated the prescription was authorized by M.K.

15. On or about January 7, 2016, March 24, 2016, June 28, 2016, and September 16, 2016, Patient B obtained refills for NuvaRing from R.A. Pharmacy under the same prescription.

16. On or about December 12, 2016, M.K. received a fax request from R.A. pharmacy to authorize a refill of Patient B's prescription for NuvaRing.

17. M.K. was not a treatment provider for Patient B and M.K. did not issue or otherwise authorize any prescriptions for Patient B.

Patient C

18. On or about October 20, 2015, a prescription for progesterone was filled by Patient C, a then 23-year-old female. According to I.C. Pharmacy records, the prescription was issued over the phone on October 20, 2015, by Respondent, who indicated the prescription was authorized by M.K.

///

///

---

[4] NuvaRing is a vaginal ring containing a combination of hormone medication used to prevent pregnancy. It is a dangerous drug pursuant to Business and Professions Code section 4022.

19. On or about November 5, 2015, a prescription for Nitrofurantoin[5] and penicillin[6] was filled by Patient C. According to R.A. Pharmacy records, the prescription was authorized by M.K.

20. M.K. was not a treatment provider for Patient C and M.K. did not issue or otherwise authorize any prescription for Patient C.

Patient D

21. On or about September 17, 2014, a prescription for progesterone was filled by Patient D, a then 26-year-old female. According to I.C. Pharmacy records, the prescription was issued over the phone on September 17, 2014, by Respondent, who indicated the prescription was authorized by M.K.

22. M.K. was not a treatment provider for Patient D and M.K. did not issue or otherwise authorize any prescription for Patient D.

Patient E

23. On or about June 19, 2015, a prescription for progesterone was filled by Patient E, a then 34-year-old female. According to I.C. Pharmacy records, the prescription was issued over the phone on June 19, 2015, by Respondent, who indicated the prescription was authorized by M.K.

24. On or about July 17, 2015, August 24, 2015, and September 17, 2015, Patient E obtained refills for progesterone from I.C. Pharmacy under the same prescription.

25. M.K. was not a treatment provider for Patient E and M.K. did not issue or otherwise authorize any prescription for Patient E.

Patient F

26. On or about October 2, 2015, a prescription for progesterone was filled by Patient F, a then 31-year-old female. According to I.C. Pharmacy records, the prescription was issued over

---

[5] Nitrofurantoin is an antibiotic used to treat or prevent certain bladder infections. It is a dangerous drug pursuant to Business and Professions Code section 4022.

[6] Penicillin is an antibiotic used to treat a wide range of infections. It is a dangerous drug pursuant to Business and Professions Code section 4022.

the phone on September 16, 2015, by Respondent, who indicated the prescription was authorized by M.K.

27. M.K. was not a treatment provider for Patient F and M.K. did not issue or otherwise authorize any prescription for Patient F.

Patient G

28. On or about October 14, 2014, a prescription for progesterone was filled by Patient G, a then 32-year-old female. According to I.C. Pharmacy records, the prescription was authorized by M.K.

29. According to medical records for Patient G, Respondent provided care and treatment to Patient G from on or about October 13, 2014, through on or about February 5, 2015.

30. M.K. was not a treatment provider for Patient G and M.K. did not issue or otherwise authorize any prescription for Patient G.

31. Respondent committed incompetence or gross negligence in her care and treatment of Patients A, B, C, D, E, F, and G, including, but not limited to, the following:

A. Paragraphs 8 through 30, above, are hereby incorporated by reference as if fully set forth herein; and

B. Respondent failed to document and/or obtain authorization and/or consent from M.K. prior to issuing new and/or refill prescriptions to Patients A, B, C, D, E, F, and G, under M.K.'s furnishing license.

SECOND CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

32. Respondent has further subjected her Midwife Certificate No. LM 384 to disciplinary action under section 2519, as defined by sections 2519, subdivision (e), and 2234, subdivision (c), of the Code, in that Respondent committed repeated negligent acts in her care and treatment of patients A, B, C, D, E, F, and G, as more particularly alleged hereinafter:

A. Paragraphs 8 through 31, above, are incorporated by reference and realleged as if fully set forth herein;

///

B. Respondent failed to document and/or obtain authorization and/or consent from M.K. prior to issuing prescription refills to Patients A, B, C, D, E, F, and G, under M.K.'s furnishing license; and

C. Respondent failed to document the issuance of prescriptions to Patients B and G.

THIRD CAUSE FOR DISCIPLINE

(Failure to Maintain Complete and Accurate Health Care Records)

33. Respondent has further subjected her Midwife Certificate No. LM 384 to disciplinary action under section 2519, as defined by section 2519, subdivision (a)(1), of the Code, in that Respondent failed to maintain complete and accurate health care records in her care and treatment of patients B and G, as more particularly alleged above, in paragraphs 8 through 32, which are incorporated by reference and realleged as if fully set forth herein.

FOURTH CAUSE FOR DISCIPLINE

(General Unprofessional Conduct)

34. Respondent has further subjected her Midwife Certificate No. LM 384 to disciplinary action under section 2519 of the Code, in that Respondent committed general unprofessional conduct in that she engaged in conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine, in her care and treatment of Patients A, B, C, D, E, F, and G, as more particularly alleged above, in paragraphs 8 through 33, which are incorporated by reference and realleged as if fully set forth herein.

///

///

///

///

///

///

///

///

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 Midwife Certificate No. LM 384, issued to Respondent Tammy Theresa Stokes, L.M.;

2. Ordering Respondent Tammy Theresa Stokes, L.M. to pay the Medical Board of California the reasonable costs of the investigation and enforcement of this case, and, if placed on probation, the costs of probation monitoring; and

3. Taking such other and further action as deemed necessary and proper.

DATED: November 21, 2019

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

SD2019702815
72050275.docx