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

In the Matter of the Accusation Against Robert Bruce Morrison, M.D. Physician's and Surgeon's Certificate No. G33727 Respondent.	Case No. 800-2017-038982

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

September 2, 2020.

IT IS SO ORDERED August 26, 2020.

MEDICAL BOARD OF CALIFORNIA

By: _____
William Prasifka
Executive Director

XAVIER BECERRA
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General
JOSHUA M. TEMPLET
Deputy Attorney General
State Bar No. 267098
300 So. Spring Street, Suite 1702
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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: **ROBERT BRUCE MORRISON, M.D.** **361 Pine Tree Lane** **Monrovia, CA 91016-2370** **Physician's and Surgeon's Certificate** **No. G 33727** Respondent.	Case No. 800-2017-038982 OAH No. 2020070103 **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). He brought this action solely in his official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, via Joshua M. Templet, Deputy Attorney General.

2. Robert Bruce Morrison, M.D. (Respondent) is represented in this proceeding by attorney Kent Thomas Brandmeyer, 2 North Lake Avenue, Suite 820, Pasadena, CA 91101.

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3. On or about March 23, 1977, the Board issued Physician's and Surgeon's Certificate No. G 33727 to Robert Bruce Morrison, M.D. Although Respondent's Physician's and Surgeon's Certificate expired on October 31, 2019, the Board retained continuing jurisdiction over his certificate at all times relevant to the charges brought in Accusation No. 800-2017-038982.

JURISDICTION

4. Accusation No. 800-2017-038982 (Accusation) was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent, on December 23, 2019. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of the Accusation is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in the Accusation. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; 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.

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 the Accusation, if proven at a hearing, constitute cause for imposing discipline upon his 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 his right to contest that cause for discipline exists based on those charges.

10. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his 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 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 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. G 33727, issued to Respondent Robert Bruce Morrison, 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 his pocket license and, if one was issued, his 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 the Accusation shall be deemed to be true, correct, and admitted by Respondent when the Board determines whether to grant or deny the petition.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Kent Thomas Brandmeyer. 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: 7/6/20

ROBERT BRUCE MORRISON, M.D.
Respondent

I have read and fully discussed with Respondent ROBERT BRUCE MORRISON, 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: 7/6/2020

KENT THOMAS BRANDMEYER
Attorney for 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: July 9, 2020

Respectfully submitted,

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

Joshua M. Templet

JOSHUA M. TEMPLET
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2017-038982

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO December 23, 2019
BY: Shari Wilkie ANALYST

XAVIER BECERRA
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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: **ROBERT BRUCE MORRISON, M.D.** **361 Pine Tree Lane** **Monrovia, CA 91016** **Physician's and Surgeon's Certificate No. G 33727,** Respondent.	Case No. 800-2017-038982 **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 or about March 23, 1977, the Medical Board issued Physician's and Surgeon's Certificate No. G 33727 to Robert Bruce Morrison, 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 expired on October 31, 2019.

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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 2004 of the Code provides that the Board shall have the responsibility for the enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

5. Section 2227 of the Code authorizes the Board to take action against a licensee who has been found guilty under the Medical Practice Act by revoking his or her license, suspending the license for a period not to exceed one year, placing the licensee on probation and requiring payment of costs of probation monitoring, or taking such other action as the Board deems proper.

STATUTORY PROVISIONS

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.
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> . . . .

7. Section 2266 of the Code states that 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.

8. Section 118 of the Code states:

> . . . .
>
> (b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by

law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

. . . .

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

9. Respondent has subjected his Physician's and Surgeon's Certificate No. G 33727 to disciplinary action under Code sections 2227 and 2234, as defined by Code section 2234, subdivision (b), in that he was grossly negligent in his care and treatment of Patient A.[1]

10. On or about July 21, 2014, Patient A, a then 34-year-old established OB/GYN patient, presented to Respondent with complaints of irregular bleeding. Respondent performed a physical exam, ordered an ultrasound and lab work, and recommended that the patient return in a few weeks. Respondent did not discuss or document a discussion with the patient regarding any further description of her bleeding abnormality, including but not limited to the amount or frequency.

11. On or about August 1, 2014, Patient A underwent a pelvic ultrasound that revealed a uterus measuring 11.0 cm and a thickened endometrial canal, possibly with a polyp. Respondent recommended that Patient A proceed with a dilation and curettage (D&C)[2] and hysteroscopy.[3] Respondent did not discuss or document a discussion with Patient A regarding other treatment options or the risks and benefits associated with those options.

12. On or about September 4, 2014, Patient A presented to Respondent for her pre-operative exam. Respondent identified her pre-operative diagnosis as menometrorrhagia[4] and endometrial hyperplasia.[5] At the conclusion of the examination, the documented plan was to proceed with the D&C and hysteroscopy.

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[1] To protect the privacy of the patient involved, the patient's name has not been included in this pleading. Respondent is aware of the identity of the patient.

[2] Dilation and curettage is a procedure to remove tissue from inside the uterus.

[3] Hysteroscopy is the inspection of the inside of the uterine cavity using visualization instruments through the vaginal opening. It is used to aid in diagnosis and minor surgical procedures.

[4] Menometrorrhagia is a condition marked by abnormally heavy, prolonged, and irregular uterine bleeding.

[5] Endometrial hyperplasia is a condition in which the lining of the uterus becomes abnormally thick.

13. On or about September 10, 2014, Patient A presented to the surgical center for her planned D&C and hysteroscopy. On that date, Patient A and Respondent both signed her consent form for the proposed D&C and hysteroscopy. Once in the operating room, a time-out procedure was performed and documented. During the surgery, after Respondent completed the D&C and hysteroscopy, he asked the circulating nurse to bring him the Novasure endometrial ablation[6] equipment. The nurse informed Respondent that Patient A had not consented to an ablation and showed him the consent form. Respondent requested the equipment again, and the nurse eventually complied. Respondent then performed an endometrial ablation on Patient A without her authorization.

14. On or about September 22, 2014, Respondent spoke with Patient A by phone to inform her of her surgical pathology results. During this phone call, Respondent apologized for performing the ablation "out of turn."

15. Respondent committed gross negligence in his care and treatment of Patient A, which included, but was not limited to, performing an endometrial ablation without informed consent.

SECOND CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

16. Respondent has further subjected his Physician's and Surgeon's Certificate No. G 33727 to disciplinary action under code sections 2227 and 2234, as defined by Code section 2234, subdivision (c), in that he committed repeated negligent acts in his care and treatment of Patient A, which included but was not limited to the following:

A. Paragraphs 9 through 15, above, are incorporated by reference;

B. Failing to appropriately discuss and/or document discussions with the patient regarding her bleeding abnormalities, treatment options, and the risks and benefits associated with the treatment options;

C. Offering and performing an endometrial ablation without sufficient medical indication; and

[6] Endometrial ablation is a procedure that surgically removes the lining of the uterus.

D. Failing to perform or offer to perform an endometrial sampling prior to performing an endometrial ablation.

THIRD CAUSE FOR DISCIPLINE

(Failure to Maintain Adequate and Accurate Records)

17. Respondent has further subjected his Physician's and Surgeon's Certificate No. G 33727 to disciplinary action under Code sections 2227 and 2234, as defined by Code section 2266, in that Respondent failed to maintain adequate and accurate records regarding his care and treatment of Patient A, as more particularly alleged in paragraphs 9 through 16, above.

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 No. G 33727, issued to Respondent, Robert Bruce Morrison, M.D.;

2. Revoking, suspending, or denying approval of the authority of Respondent, Robert Bruce Morrison, M.D., to supervise physician assistants and advanced practice nurses;

3. Ordering Respondent, Robert Bruce Morrison, 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: December 23, 2019

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

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