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

In the Matter of the Accusation Against: **Julie Irene Dee, M.D.** **Physician's and Surgeon's Certificate No. A 114219** **Respondent.**	**Case No. 800-2019-056002**

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 SEP 0 3 2020.

IT IS SO ORDERED AUG 2 7 2020.

MEDICAL BOARD OF CALIFORNIA

William Prasifka
Executive Director

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
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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: **JULIE IRENE DEE, M.D.** 6496 Fairview Drive Mountain Green, UT 84050 Physician's and Surgeon's Certificate No. A 114219 Respondent.	Case No. 800-2019-056002 **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 is the Executive Director of the Medical Board of California and the Complainant. This action was brought and maintained by the Board's Executive Director, acting in his/her official capacity. Complainant is represented by Xavier Becerra, Attorney General of the State of California, by Jane Zack Simon, Supervising Deputy Attorney General.

2. Julie Irene Dee, M.D. (Respondent) is represented in this proceeding by William M. Low of Higgs Fletcher & Mack LLP, 401 W A Street Suite 2600, San Diego, CA 92101-7913.

3. On October 1, 2010, the Board issued Physician's and Surgeon's Certificate No. A 114219 to Julie Irene Dee, 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. 800-2019-056002 and will expire on October 31, 2020, unless renewed.

JURISDICTION

4. Accusation No. 800-2019-056002 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent, who filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2019-056002 is attached as Exhibit A.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, discussed with counsel, and understands the charges and allegations in Accusation No. 800-2019-056002. Respondent also has carefully read, discussed with counsel, 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. 800-2019-056002, 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 or her counsel. 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 114219, issued to Respondent Julie Irene Dee, 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 understands that she may not petition for reinstatement as a physician and surgeon for a period of two years from the effective date of her surrender. 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. 800-2019-056002 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. 800-2019-056002 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: **6-20-20**

Julie Dee

JULIE IRENE DEE, M.D.
Respondent

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APPROVAL

I have fully discussed with Respondent Julie Irene Dee, M.D., the terms and conditions and other matters contained in this Stipulated Surrender of License and approve its form and content.

DATED: 6/22/2020

WILLIAM M. LOW
Higgs Fletcher & Mack LLP
Attorneys 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: 6/24/2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California

JANE ZACK SIMON
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2019-056002

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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: **JULIE IRENE DEE M.D.** 6496 Fairview Drive Mountain Green, UT 84050 Physician's and Surgeon's Certificate No. A 114219 Respondent.	Case No. 800-2019-056002 **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 October 1, 2010, the Medical Board issued Physician's and Surgeon's Certificate Number A 114219 to Julie Irene Dee, M.D. (Respondent). The Physician's and Surgeon's Certificate is renewed and current with an expiration date of October 31, 2020.

JURISDICTION

3. This Accusation is brought before the Medical Board of California under the authority of the following sections of the California Business and Professions Code (Code) and/or other relevant statutory enactment:

A. Section 2227 of the Code provides in part that the Board may revoke, suspend for a period not to exceed one year, or place on probation, the license of any licensee who has

been found guilty under the Medical Practice Act, and may recover the costs of probation monitoring.

B. Section 2305 of the Code provides, in part, that the revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California under the Medical Practice Act, constitutes grounds for discipline for unprofessional conduct.

C. Section 141 of the Code provides:

> "(a) For any licensee holding a license issued by a board under the jurisdiction of a department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or by another country shall be conclusive evidence of the events related therein.
>
> "(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by the board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."

FIRST CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by Another State)

4. On April 9, 2019, the Utah Division of Occupational and Professional Licensing (Utah Division) issued a Disciplinary Limitation Stipulation and Order regarding Respondent's license to practice medicine in Utah. The Disciplinary Limitation Stipulation and Order contains findings and admission that Respondent violated the terms of a 2015 Diversion Agreement requiring her to enter the Division's Recovery Assistance Program. At the time of the 2015 Diversion Agreement, Respondent admitted to becoming addicted to fentanyl she took from her work, that she had practiced or attempted to practice despite being physically or mentally unfit to do so, and that she suffered from an opiate addiction. Under the terms of the 2019 Disciplinary Limitation Stipulation and Order, Respondent may not engage in any activity or employment

where she has access to controlled substances, and may not prescribe controlled substances. The restriction will remain in effect until Respondent has demonstrated at least six months of clean drug testing, and until she has successfully passed a fitness for duty evaluation. Once cleared to return to practice situations with access to controlled substances or permitted to prescribe controlled substances, Respondent will be placed on probation for a minimum period of five years, with terms and conditions directed at monitoring substance abuse. A copy of the Disciplinary Limitation Stipulation and Order issued by the Utah Division is attached as Exhibit A.

5. Respondent's conduct and the action of the Utah Division of Occupational and Professional Licensing as set forth in paragraph 4, above, constitute cause for discipline pursuant to sections 2305 and/or 141 of the Code.

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 114219, issued to Julie Irene Dee, M.D.;

2. Revoking, suspending or denying approval of Julie Irene Dee, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Julie Irene Dee, 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

DAN LAU (U.S.B. No. 8233)
Assistant Attorney General
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BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING

OF THE DEPARTMENT OF COMMERCE

OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSES OF **JULIE IRENE DEE**, UTAH LICENSE #'s 8633316-1205 & 8633316-8905, TO PRACTICE AS A PHYSICIAN AND SURGEON AND TO ADMINISTER AND PRESCRIBE CONTROLLED SUBSTANCES IN THE STATE OF UTAH	)	**DISCIPLINARY LIMITATION STIPULATION AND ORDER** -DSC- CASE NO. DOPL D-836 & DOPL-2019-158

Julie Irene Dee ("Respondent") and the DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING of the Department of Commerce of the State of Utah ("Division") stipulate and agree as follows:

1. The Respondent admits the jurisdiction of the Division over herself and over the subject matter of this action.

2. The Respondent acknowledges that she enters into this Stipulation and Order ("Stipulation") knowingly and voluntarily.

3. The Respondent understands that she has the right to be represented by counsel in this matter, and her signature below signifies that she has been represented by Jeff Bramble and Nathan Alder.

4. The Respondent understands that she is entitled to a hearing before the Division's Presiding Officer, at which time she may present evidence on his own behalf, call witnesses, and confront adverse witnesses. The Respondent understands that by signing this document she hereby waives the right to a hearing, the right to present evidence on her own behalf, the right to call witnesses, the right to confront adverse witnesses, and any other rights to which she may be entitled in connection with said hearing. The Respondent understands that by signing this document she waives all rights to any administrative and judicial review as set forth in Utah Code Ann. §§ 63G-4-301 through 63G-4-405 and Utah Administrative Code R156-4-901 through R156-4-907. The Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G-4-102(4).

5. The Respondent understands that this Stipulation, if adopted by the Director of the Division, will be classified as a public document. The Division may release this Stipulation, and it will release other information about this disciplinary action against the Respondent's license, to other persons and entities.

6. The Respondent makes the following admissions:

a. The Respondent was first licensed to practice as a physician and surgeon in the State of Utah on or about April 11, 2013.

b. On or about June 30, 2015, the Respondent voluntarily executed a

Diversion Agreement ("DA") with the Division, and she entered the Division's Utah Recovery Assistance Program ("URAP") on July 13, 2015.

c. In the DA, the Respondent admitted to inappropriately taking Fentanyl from her work and becoming addicted to the drug. The Respondent further admitted that her conduct, including the use of intoxicants, drugs, narcotics or similar chemicals, was to such an extent that it "might reasonably be considered to have risked impairing [her] ability to safely engage in [her practice as a physician and surgeon]." The Respondent also admitted that she has practiced or attempted to practice her occupation/profession despite being physically or mentally unfit to do so, and that she suffers from an opiate addiction.

d. The Respondent violated the terms of the DA by conduct that is the same or similar to the conduct upon which the DA is premised, and she violated a compliance provision contained in the DA.

7. The Respondent admits that the admissions/facts described above in Paragraph 6 constitute unprofessional conduct as defined in Utah Code Ann. § Utah Code Ann. § 58-1-501(2)(a), (b), (e), and (h); and that said conduct justifies disciplinary action against the Respondent's professional licenses pursuant to Utah Code Ann. § 58-1-401(2)(a). The Respondent hereby agrees not to engage in any activity or employment where she will have access to, or be able to prescribe, controlled substance, and she also agrees to not engage in any conduct described in Utah Code Ann. § 58-67- 102(17). The Respondent agrees that the issuance of the Order in this matter constitutes disciplinary action by the Division pursuant to Utah Administrative Code R156-1-102(6) and Utah Code Ann. § 58-1-401(2)(a).

Prior to engaging in any activity or employment where she will have access to, or be able to prescribe controlled substances, or any conduct described in Utah Code Ann. § 58-67-102(17), the Respondent will submit to the Division at least six months of consecutive clean drug testing results before she applies for licensure (those six months must be the months prior to the Respondent engaging in any activity or employment where she will have access to, or be able to prescribe controlled substances, or any conduct described in Utah Code Ann. § 58-67-102(17))). Further, the Respondent must obtain a fitness for duty certification from a DOPL-approved evaluator/M.D./counselor before she engages in any activity or employment where she will have access to, or be able to prescribe controlled substances, or any conduct described in Utah Code Ann. § 58-67-102(17). The Respondent will not be able to engage in any activity or employment where she will have access to, or be able to prescribe controlled substances, or any conduct described in Utah Code Ann. § 58-67-102(17), if she is unable to provide a fitness for duty certification and six months of consecutive clean drug testing results. Any dilute or questionable drug testing result in the six-month time period before the Respondent engages in any activity or employment where she will have access to, or be able to prescribe controlled substances, or any conduct described in Utah Code Ann. § 58-67-102(17) will count as a failed drug test.

If the Respondent is able to engage in any activity or employment where she will have access to, or be able to prescribe controlled substances or any conduct described in Utah Code Ann. § 58-67-102(17) in the future, her professional licenses associated with such activities will be placed on probation for a minimum period of five years with mandatory substance abuse testing requirements (per Division policy, this probationary period may be shortened if the Division deems it appropriate). If the Division Director accepts the terms of this Stipulation, the

Respondent accepts the limitations placed on her professional licenses until she meets the conditions of this paragraph that will enable her to engage in any activity or employment where she will have access to, or be able to prescribe controlled substances, or any conduct described in Utah Code Ann. § 58-67-102(17).

This Stipulation also permanently removes the Respondent from the URAP program because of the conduct described in Paragraph 6.

8. This Stipulation, upon approval by the Director of the Division, shall be the final compromise and settlement of this non-criminal administrative matter. The Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and Respondent waive any claim of bias or prejudgment they might otherwise have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

9. This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation. There are no verbal agreements that modify, interpret, construe or affect this Stipulation.

10. The Respondent understands that the disciplinary action taken by the Division in this Stipulation may adversely affect any license that Respondent may possess in another state or any application for licensure Respondent may submit in another state.

11. If the Respondent violates any term or condition of this Stipulation, the Division may take action against the Respondent, including imposing appropriate sanctions and penalties,

in the manner provided by law. Conduct prior to this Stipulation cannot be grounds for disciplinary action in the future. The Respondent is aware that practicing medicine without a license is a criminal offense and that engaging in any conduct described in Utah Code Ann. § 58-67-102(17) after the effective date of this Stipulation would, in effect, be practicing medicine without a license (or without a non-restricted license). Therefore, pursuant to Utah Code Ann. § 58-1-503, she could be liable for a $2,000 fine a day for each day she violates this Disciplinary Limitation Stipulation and Order.

12. The Respondent has read each and every paragraph contained in this Stipulation. She understands each and every paragraph contained in this Stipulation, and she has no questions about any paragraph or provision contained in this Stipulation.

DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING

BY: _____
Larry Marx
Bureau Manager

DATE: 4/9/2019

RESPONDENT

BY: _____
Julie Irene Dee
Respondent

DATE: 4/8/19

SEAN D. REYES
UTAH ATTORNEY GENERAL

BY: _____
Dan Lau
Counsel for the Division

DATE: 4/9/2019

BY: _____
Jeff Bramble/Nathan Alder
Respondent's Attorneys

DATE: 4/8/19

ORDER

THE ABOVE STIPULATION, in the matter of **JULIE IRENE DEE,** is hereby approved by the Division of Occupational and Professional Licensing and constitutes my Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(6) and Utah Code Ann. § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 9 day of April, 2019.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING

MARK B. STEINAGEL
Director

Investigators Tim Hibler