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

In the Matter of the Accusation Against: Maureen Fulchiero Gordon, M.D. Physician's & Surgeon's Certificate No. A 24979 Respondent.	Case No. 800-2018-045767

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 December 31, 2020.

IT IS SO ORDERED December 3, 2020.

MEDICAL BOARD OF CALIFORNIA

Ronald H. Lewis, M.D., Chair
Panel A

XAVIER BECERRA
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General
PEGGIE BRADFORD TARWATER
Deputy Attorney General
State Bar No. 169127
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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: MAUREEN FULCHIERO GORDON, M.D. 11980 San Vicente Blvd. Suite 704 Los Angeles, CA 90049 Physician's and Surgeon's Certificate No. A 24979 Respondent.	Case No. 800-2018-045767 OAH No. 2020050855 **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. 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, by Peggie Bradford Tarwater, Deputy Attorney General.

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2. Respondent Maureen Fulchiero Gordon, M.D. (Respondent) is represented in this proceeding by attorney Raymond J. McMahon, whose address is: 5440 Trabuco Road Irvine, California 92620.

3. On September 13, 1972, the Board issued Physician's and Surgeon's Certificate No. A 24979 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2018-045767, and will expire on March 31, 2021, unless renewed.

JURISDICTION

4. Accusation No. 800-2018-045767 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 9, 2019. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2018-045767 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2018-045767. Respondent has also carefully read, fully discussed with her counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. 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 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.

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

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CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2018-045767, if proven at a hearing, constitute cause for imposing discipline upon her Physician's and Surgeon's Certificate.

10. 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 *prima facie* case with respect to the charges and allegations contained in Accusation No. 800-2018-045767, and that Respondent hereby gives up her right to contest those charges.

11. Respondent agrees that her Physician's and Surgeon's Certificate is subject to discipline and she agrees to be bound by the Board's terms as set forth in the Disciplinary Order below.

CONTINGENCY

12. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, 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 Settlement 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.

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

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or opportunity to be heard by the Respondent, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

1. PUBLIC REPRIMAND

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 24979 issued to Respondent Maureen Fulchiero Gordon, M.D. is publicly reprimanded pursuant to Business and Professions Code section 2227, subdivision (a)(4). This Public Reprimand is issued in connection with the allegations relating to Respondent's care and treatment of Patient 1, as set forth in Accusation No. 800-2018-045767.

2. PRESCRIBING PRACTICES COURSE.

Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in prescribing practices 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 months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one year of enrollment. The prescribing practices course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A prescribing practices 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. 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 months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one year of enrollment. The medical record keeping course shall be at Respondent's expense and shall be in addition to the 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.

4. FAILURE TO COMPLY.

Any failure to Respondent to comply with the terms and conditions of the Disciplinary Order set forth above shall constitute unprofessional conduct and grounds for further disciplinary action.

5. FUTURE ADMISSIONS CLAUSE.

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 action agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2018-045767 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 license.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Raymond J. McMahon. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. 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: 10/05/2020

Maureen Fulchiero Gordon, M.D.

MAUREEN FULCHIERO GORDON, M.D.
Respondent

I have read and fully discussed with Respondent Maureen Fulchiero Gordon, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: October 8, 2020

RAYMOND J. MCMAHON
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
JUDITH T. ALVARADO
Supervising Deputy Attorney General

Peggie B. Tarwater

Digitally signed by Peggie B. Tarwater
Date: 2020.10.13 10:52:58 -07'00'

PEGGIE BRADFORD TARWATER
Deputy Attorney General
Attorneys for Complainant

LA2019504026

Exhibit A

Accusation No. 800-2018-045767

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Dec. 9 20 19
BY A. Cerenia ANALYST

XAVIER BECERRA
Attorney General of California
ROBERT MCKIM BELL
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: MAUREEN FULCHIERO GORDON, M.D. 11980 San Vicente Boulevard, Suite 704 Los Angeles, California 90049 Physician's and Surgeon's Certificate No. A 24979, Respondent.	Case No. 800-2018-045767 **ACCUSATION**

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 (Board).

2. On September 13, 1972, the Board issued Physician's and Surgeon's Certificate Number A 24979 to Maureen Fulchiero Gordon, M.D. (Respondent). That license was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2021, unless renewed.

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JURISDICTION

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

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

5. Section 2234 of the Code, 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:
>
> (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.
>
> (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.
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> . . . .

6. Section 2266 of the Code states: "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."

DRUG DEFINITIONS

7. Acetaminophen with codeine (aka Tylenol #4) is a narcotic drug containing 300 mg. of acetaminophen and 60 mg. of codeine. It is used to treat mild to moderate pain. It is classified as a Schedule III controlled substance.

8. Zolpidem (aka Ambien) is a sedative-hypnotic prescribed for the short-term treatment of insomnia. It is classified as a Schedule IV controlled substance.

9. Clonazepam (aka Klonopin) is an anti-seizure medication that is also used to treat panic attacks. It is classified as a Schedule IV controlled substance.

10. Amoxicillin clavulanate (aka Augmentin) is an antibiotic used to treat a variety of bacterial infections.

11. Azithromycin (aka Z-Pak) is an antibiotic used to treat a variety of bacterial infections.

12. Oseltamivir (aka Tamiflu) is an antiviral medication that blocks the influenza virus.

13. The drugs defined in Paragraphs 7 through 12 are dangerous drugs, pursuant to section 4022 of the Code.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

14. Respondent Maureen Fulchiero Gordon, M.D. is subject to disciplinary action under section 2234, subdivision (b), of the Code in that she was grossly negligent in her care and treatment of Patient 1.

15. Respondent practices medicine as a psychiatrist.

16. Respondent is married to Patient 1, who is also a licensed physician.

17. Respondent prescribed the following drugs to Patient 1:

DATE	DRUG	DOSE	PILLS/REFILLS
7/29/2015	Klonopin	.5 mg, one pill twice per day	40/0
11/6/2016	Augmentin	500/125 mg., one pill twice per day for 10 days	20/0
11/10/2016	Ambien	5 mg., 1 to 2 pills at bedtime	30/0
11/11/16	Tamiflu	75 mg., one pill twice per day	10/1
1/9/2017	Ambien	10 mg., as needed for sleep	30/0
1/9/2017	Z-Pak	250 mg, two pills on day one, then one pill per day	6/0
1/9/2017	Tylenol #4	300/60 mg., 1 pill every 12 hours	60/0
3/7/2017	Ambien	5 mg., one to two pills at bedtime	30/0
4/14/2017	Tylenol #4	300/60 mg., 1 pill every 12 hours as needed	60/1
5/2/2017	Ambien	5 mg., one to two pills at bedtime	30/5
6/23/2017	Tylenol #4	300/60 mg., one pill every 8 hours as needed	60/1
9/12/2017	Tylenol #4	300/60 mg., one pill every 8	60/0

		hours as needed	
9/16/2017	Z-Pak	250 mg., 2 pills on day one, then one pill per day	6/0
11/28/2017	Ambien	5 mg., one to two pills at bedtime	30/4
12/8/2017	Tylenol #4	300/60 mg., one pill every 8 hours as needed	60/0
12/21/2017	Ambien	10 mg., one pill at bedtime	30/0
5/25/2018	Ambien	10 mg., one pill at bedtime	30/0
7/11/2018	Ambien	10 mg., one pill at bedtime	30/3

18. The standard of care requires that a physician keep legible, timely, and accurate medical records for all medical care rendered. Prescribing medications constitutes medical care.

19. The standard of care requires that a physician generally refrain from prescribing medications to oneself or one's own family members, except in limited situations, such as providing care limited in scope and duration to a family member needing minor care or in a true emergency situation.

20. From at least July 2015 through July 2018, Respondent prescribed dangerous drugs, including controlled substances to Patient 1.

21. Respondent failed to prepare or maintain medical records detailing her clinical observations and providing her rationale for prescribing antibiotics, controlled substances, and antiviral medication that she prescribed to Patient 1.

22. Respondent prescribed dangerous drugs, including controlled substances, to Patient 1, a family member, over an extended period of time.

23. The pattern of prescribing demonstrates that Respondent prescribed dangerous drugs in a manner that was neither limited in scope nor consisting of minor care or an emergency situation.

24. Respondent was grossly negligent in the care and treatment of Patient 1 as follows:

a. Respondent prescribed dangerous drugs, including controlled substances, to Patient 1 without documenting an appropriate medical examination;

b. Respondent regularly prescribed medications, including controlled substance to Patient 1, her husband, under circumstances that did not warrant such prescribing.

25. Respondent's acts and omissions as set forth above whether proven individually, jointly or in some combination thereof constitute gross negligence in violation of section 2234, subdivision (b), of the Code, and Respondent's license is subject to discipline.

SECOND CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

26. Respondent's acts and omissions, as set forth in the First Cause for Discipline, constitute repeated negligent acts in violation of section 2234, subdivision (c), of the Code, and Respondent's license is subject to discipline.

THIRD CAUSE FOR DISCIPLINE

(Failure to Maintain Adequate and Accurate Records)

27. Respondent's acts and omissions, as set forth in the First Cause for Discipline demonstrate a failure to maintain adequate and accurate records, in violation of section 2266 of the Code, and Respondent's license is subject to discipline.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 24979, issued to Respondent Maureen Fulchiero Gordon, M.D.;

2. Revoking, suspending or denying approval of Respondent's authority to supervise physician assistants and advanced practice nurses;

3. If placed on probation, ordering Respondent to pay the Board the costs of probation monitoring; and

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

DATED: December 9, 2019

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

Complainant

LA2019504026
Maureen Gordon Accusation.docx