

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

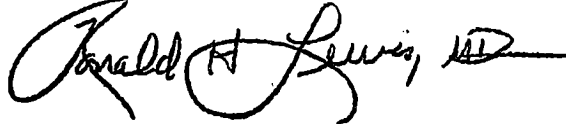
DECISION

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

1 XAVIER BECERRA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 PEGGIE BRADFORD TARWATER
Deputy Attorney General
4 State Bar No. 169127
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Attorneys for Complainant
8

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

13 In the Matter of the Accusation Against:

Case No. 800-2018-045767

14 MAUREEN FULCHIERO GORDON, M.D.
11980 San Vicente Blvd. Suite 704
15 Los Angeles, CA 90049

OAH No. 2020050855

16 Physician's and Surgeon's Certificate
No. A 24979

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17 Respondent.
18

19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
24 California (Board). He brought this action solely in his official capacity and is represented in this
25 matter by Xavier Becerra, Attorney General of the State of California, by Peggie Bradford
26 Tarwater, Deputy Attorney General.

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1 CULPABILITY

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

5 10. For the purpose of resolving the Accusation without the expense and uncertainty of
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a *prima*
7 *facie* case with respect to the charges and allegations contained in Accusation No. 800-2018-
8 045767, and that Respondent hereby gives up her right to contest those charges.

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

12 CONTINGENCY

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

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

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

1 **DISCIPLINARY ORDER**

2 1. **PUBLIC REPRIMAND**

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

8 2. **PRESCRIBING PRACTICES COURSE.**

9 Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a
10 course in prescribing practices approved in advance by the Board or its designee. Respondent
11 shall provide the approved course provider with any information and documents that the approved
12 course provider may deem pertinent. Respondent shall participate in and successfully complete
13 the classroom component of the course not later than six months after Respondent's initial
14 enrollment. Respondent shall successfully complete any other component of the course within
15 one year of enrollment. The prescribing practices course shall be at Respondent's expense and
16 shall be in addition to the Continuing Medical Education (CME) requirements for renewal of
17 licensure.

18 A prescribing practices course taken after the acts that gave rise to the charges in the
19 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
20 or its designee, be accepted towards the fulfillment of this condition if the course would have
21 been approved by the Board or its designee had the course been taken after the effective date of
22 this Decision.

23 Respondent shall submit a certification of successful completion to the Board or its
24 designee not later than 15 calendar days after successfully completing the course, or not later than
25 15 calendar days after the effective date of the Decision, whichever is later.

26 3. **MEDICAL RECORD KEEPING COURSE.** Within 60 calendar days of the
27 effective date of this Decision, Respondent shall enroll in a course in medical record keeping
28 approved in advance by the Board or its designee. Respondent shall provide the approved course

1 provider with any information and documents that the approved course provider may deem
2 pertinent. Respondent shall participate in and successfully complete the classroom component of
3 the course not later than six months after Respondent's initial enrollment. Respondent shall
4 successfully complete any other component of the course within one year of enrollment. The
5 medical record keeping course shall be at Respondent's expense and shall be in addition to the
6 CME requirements for renewal of licensure.

7 A medical record keeping course taken after the acts that gave rise to the charges in the
8 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
9 or its designee, be accepted towards the fulfillment of this condition if the course would have
10 been approved by the Board or its designee had the course been taken after the effective date of
11 this Decision.

12 Respondent shall submit a certification of successful completion to the Board or its
13 designee not later than 15 calendar days after successfully completing the course, or not later than
14 15 calendar days after the effective date of the Decision, whichever is later.

15 4. FAILURE TO COMPLY.

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

19 5. FUTURE ADMISSIONS CLAUSE.

20 If Respondent should ever apply or reapply for a new license or certification, or petition for
21 reinstatement of a license, by any other health care licensing action agency in the State of
22 California, all of the charges and allegations contained in Accusation No. 800-2018-045767 shall
23 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
24 Issues or any other proceeding seeking to deny or restrict license.

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1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Raymond J. McMahon. I understand the stipulation and the effect
4 it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement
5 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
6 Decision and Order of the Medical Board of California.

7
8 DATED: 10/05/2020 *Maureen Fulchiero Gordon, M.D.*
9 MAUREEN FULCHIERO GORDON, M.D.
Respondent

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

13 DATED: Oct 8, 2020 *Raymond J. McMahon*
14 RAYMOND J. MCMAHON
Attorney for Respondent

15
16 ENDORSEMENT

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

19
20 DATED: _____

Respectfully submitted,

21 XAVIER BECERRA
22 Attorney General of California
23 JUDITH T. ALVARADO
24 Supervising Deputy Attorney General

25 Peggie B. Tarwater
26 Digitally signed by Peggie B. Tarwater
Date: 2020.10.13 10:52:58 -07'00'
27 PEGGIE BRADFORD TARWATER
28 Deputy Attorney General
Attorneys for Complainant

LA2019504026

Exhibit A

Accusation No. 800-2018-045767

1 XAVIER BECERRA
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 PEGGIE BRADFORD TARWATER
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California Department of Justice
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Attorneys for Complainant

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

12
13 **IN THE MATTER OF THE ACCUSATION**
AGAINST:

Case No. 800-2018-045767

14 **MAUREEN FULCHIERO GORDON, M.D.**

ACCUSATION

15 11980 San Vicente Boulevard, Suite 704
16 Los Angeles, California 90049

17 Physician's and Surgeon's Certificate
18 No. A 24979,

Respondent.

19
20 **PARTIES**

21 1. Christine J. Lally (Complainant) brings this Accusation solely in her official capacity
22 as the Interim Executive Director of the Medical Board of California (Board).

23 2. On September 13, 1972, the Board issued Physician's and Surgeon's Certificate
24 Number A 24979 to Maureen Fulchiero Gordon, M.D. (Respondent). That license was in full
25 force and effect at all times relevant to the charges brought herein and will expire on March 31,
26 2021, unless renewed.

27 //

1 JURISDICTION

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

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

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

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

13 (a) Violating or attempting to violate, directly or indirectly, assisting in or
14 abetting the 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
17 negligent acts or omissions. An initial negligent act or omission followed by a
18 separate and distinct departure from the applicable standard of care shall constitute
19 repeated negligent acts.

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

23

24 6. Section 2266 of the Code states: "The failure of a physician and surgeon to maintain
25 adequate and accurate records relating to the provision of services to their patients constitutes
26 unprofessional conduct."

27 DRUG DEFINITIONS

28 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.

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

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

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

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

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

10 **FIRST CAUSE FOR DISCIPLINE**

11 (Gross Negligence)

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

15 15. Respondent practices medicine as a psychiatrist.

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

17 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	
1	9/16/2017	Z-Pak 250 mg., 2 pills on day one, then one pill per day	6/0
2	11/28/2017	Ambien 5 mg., one to two pills at bedtime	30/4
3	12/8/2017	Tylenol #4 300/60 mg., one pill every 8 hours as needed	60/0
4	12/21/2017	Ambien 10 mg., one pill at bedtime	30/0
5	5/25/2018	Ambien 10 mg., one pill at bedtime	30/0
	7/11/2018	Ambien 10 mg., one pill at bedtime	30/3

6

7 18. The standard of care requires that a physician keep legible, timely, and accurate

8 medical records for all medical care rendered. Prescribing medications constitutes medical care.

9 19. The standard of care requires that a physician generally refrain from prescribing

10 medications to oneself or one's own family members, except in limited situations, such as

11 providing care limited in scope and duration to a family member needing minor care or in a true

12 emergency situation.

13 20. From at least July 2015 through July 2018, Respondent prescribed dangerous drugs,

14 including controlled substances to Patient 1.

15 21. Respondent failed to prepare or maintain medical records detailing her clinical

16 observations and providing her rationale for prescribing antibiotics, controlled substances, and

17 antiviral medication that she prescribed to Patient 1.

18 22. Respondent prescribed dangerous drugs, including controlled substances, to Patient 1,

19 a family member, over an extended period of time.

20 23. The pattern of prescribing demonstrates that Respondent prescribed dangerous drugs

21 in a manner that was neither limited in scope nor consisting of minor care or an emergency

22 situation.

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

24 a. Respondent prescribed dangerous drugs, including controlled substances, to

25 Patient 1 without documenting an appropriate medical examination;

26 b. Respondent regularly prescribed medications, including controlled substance to

27 Patient 1, her husband, under circumstances that did not warrant such prescribing.

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

4 **SECOND CAUSE FOR DISCIPLINE**

5 (Repeated Negligent Acts)

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

9 **THIRD CAUSE FOR DISCIPLINE**

10 (Failure to Maintain Adequate and Accurate Records)

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

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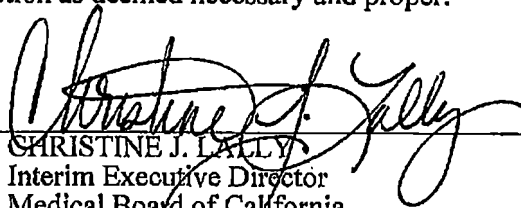
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PRAYER

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