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

In the Matter of the Accusation Against: Lyman Bowen Greaves, Jr., M.D. Physician's and Surgeon's Certificate No. G 64421 Respondent.	Case No. 800-2019-053490

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 February 8, 2021.

IT IS SO ORDERED February 1, 2021.

MEDICAL BOARD OF CALIFORNIA

William Prasifka
Executive Director

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
State Bar No. 116564
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3521
Facsimile: (415) 703-5480
E-mail: Janezack.simon@doj.ca.gov
Attorneys for Complainant

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

In the Matter of the Accusation Against: **Lyman Bowen Greaves, Jr., M.D.** 701 Spencer Avenue Santa Rosa, CA 95404-3317 Physician's and Surgeon's Certificate No. G 64421 Respondent.	Case No. 800-2019-053490 **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, by Jane Zack Simon, Supervising Deputy Attorney General.

2. Lyman Bowan Greaves, Jr., M.D. (Respondent) is represented in this proceeding by Chris P. Andrian, Law Offices of Andrian & Gallenson, 1100 Mendocino Avenue, Santa Rosa, CA 95401.

///

///

3. On October 24, 1988, the Board issued Physician's and Surgeon's Certificate No. G 64421 to Lyman Bowan Greaves, Jr., M.D. The Certificate is delinquent, having expired on August 31, 2020.

JURISDICTION

4. Accusation No. 800-2019-053490 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 timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2019-053490 is attached as Exhibit A.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2019-053490. 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 Accusation No. 800-2019-053490, 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 64421 issued to Respondent Lyman Bowan Greaves, Jr., 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 Accusation No. 800-2019-053490 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. 800-2019-053490 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 above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Chris P. Andrian. 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: 12/21/2020

Lyman Bowan Greaves Jr.
LYMAN BOWAN GREAVES, JR., M.D.
Respondent

///

///

I have read and fully discussed with Respondent Lyman Bowan Greaves, Jr., 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: 12-21-20

CHRIS P. ANDRIAN
Law Offices of Andrian & Gallenson
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: 1/4/2021

Respectfully submitted,

XAVIER BECERRA
Attorney General of California

Jane Zack Simon

JANE ZACK SIMON
Supervising Deputy Attorney General
Attorneys for Complainant

SF2020401334
GreavesSurrender.docx

Exhibit A

Accusation No. 800-2019-053490

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
State Bar No. 116564
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3521
Facsimile: (415) 703-5480
E-mail: Janezack.simon@doj.ca.gov
Attorneys for Complainant

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

In the Matter of the Accusation Against: **Lyman Bowen Greaves, Jr., M.D.** 701 Spencer Avenue Santa Rosa, CA 95404-3317 Physician's and Surgeon's Certificate No. G 64421 Respondent.	Case No. 800-2019-053490 **ACCUSATION**

1. William Prasifka (Complainant) brings this Accusation solely in his official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On October 24, 1988, the Medical Board issued Physician's and Surgeon's Certificate Number G 64421 to Lyman Bowen Greaves, Jr., M.D. (Respondent). The Certificate is delinquent, having expired on August 31, 2020.

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, provides, 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.
>
> . . .
>
> (g) the failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board...

6. Section 726 of the Code provides that the commission of any act of sexual abuse, misconduct, or relations with a patient constitutes unprofessional conduct and grounds for disciplinary action.

7. Section 2228.1 of the Code provides, in pertinent part, that the Board shall require a licensee who is disciplined based on the commission of any act of sexual abuse, misconduct or relations with a patient to disclose to his or her patient's information regarding his or her probation status. The licensee is required to disclose: Probation status, the length of the probation, the probation end date, all practice restrictions placed on the license by the Board, the Board's telephone number, and an explanation of how the patient can find further information on the licensee's probation on the Board's Internet Web site.

FACTUAL ALLEGATIONS

8. Respondent is a family medicine physician who treated Patient 1 over the course of many years. Patient 1[1] had a number of medical issues, including fibromyalgia, chronic pain, migraine, depression and anxiety. Over the years, Patient 1 saw Respondent on a regular basis.

[1] Numbers are used to protect patient privacy. Respondent may learn the name of the patient through the discovery process.

She depended on Respondent for his care and expertise, and considered him to be a trusted physician who had success in treating her pain. Patient 1 also discussed with Respondent her ongoing struggles with depression and anxiety.

9. During 2015, Patient 1 saw Respondent regularly, generally each month. During the early months of 2015, Respondent hugged Patient 1 at the end of her appointments. Over time, the hugs became more intense, and soon, Respondent began to kiss Patient 1 and to "grope" her buttocks and breasts. Respondent told Patient 1 that she was beautiful and special. Respondent's assaults escalated to include touching Patient 1's breasts underneath her clothing, rubbing his genitals against her body, and pushing her up against the wall. The conduct continued even when Patient 1 attempted to pull away from Respondent. At the end of her final appointment with Respondent in December 2015, Respondent placed his hand inside Patient 1's pants and digitally penetrated her vagina.

10. In 2018, Patient 1 told a social worker about Respondent's conduct, and the police were notified. During a recorded telephone call arranged by the police, Patient 1 confronted Respondent with what had transpired. Respondent denied any recollection of touching or digitally penetrating Patient 1's vagina, but acknowledged that he hugged and kissed her. He attributed his conduct to being "burned out" and "lonely" and stated that he had "lost some boundaries."

11. Respondent was asked several times to present for an interview with the Medical Board's investigators. Respondent, through his counsel, refused to attend or participate in an interview.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct/Gross Negligence/Sexual Misconduct)

12. Respondent's conduct as set forth above, in failing to maintain proper professional boundaries, hugging and kissing Patient 1, rubbing his genitals against his patient's body, touching and digitally penetrating her vagina, constitute unprofessional conduct, and/or sexual misconduct, and/or gross negligence and cause for discipline pursuant to sections 2234, and/or 726, and/or 2234(b) of the Code.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct/Refusal to Participate in Interview)

13. Respondent's refusal to attend and participate in an investigative interview constitutes unprofessional conduct and cause for discipline pursuant to sections 2234 and/or 2234(g) 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 G 64421, issued to Lyman Bowen Greaves, Jr., M.D.;

2. Revoking, suspending or denying approval of Lyman Bowen Greaves, Jr, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Lyman Bowen Greaves, Jr. M.D., if placed on probation, to provide patient notification in accordance with Business and Professions Code section 2228.1;

4. Ordering Lyman Bowen Greaves, Jr., M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: NOV 0 6 2020

WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

SF2020401334
42384837.docx