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

In the Matter of the Accusation Against: Khristine Elaine Eroshevich, M.D. Physician's and Surgeon's Certificate No. C 37980 Respondent.	Case No. 800-2017-031932

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 FEB 0 8 2021.

IT IS SO ORDERED FEB 0 1 2021.

MEDICAL BOARD OF CALIFORNIA

William Prasifka
Executive Director

XAVIER BECERRA
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General
CHRISTINE R. FRIAR
Deputy Attorney General
State Bar No. 228421
California Department of Justice
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 269-6472
Facsimile: (916) 731-2117
Attorneys for Complainant

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

In the Matter of the Accusation Against: **KHRISTINE ELAINE EROSHEVICH, M.D.** **269 South Beverly Drive #861** **Beverly Hills, CA 90212** **Physician's and Surgeon's Certificate** **No. C 37980,** Respondent.	Case No. 800-2017-031932 OAH No. 2020050366 **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. Christine J. Lally brought this action solely in her official capacity as the Interim Executive Director of the Medical Board of California (Board). Since the filing of the Accusation in this matter, William Prasifka replaced Christine J. Lally as the Executive Director of the Board and Mr. Prasifka now maintains the complaint in his official capacity as the Executive Director of the Board. He is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Christine R. Friar, Deputy Attorney General.

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2. Khristine Elaine Eroshevich, M.D. (Respondent) is represented in this proceeding by attorney Bradley Wm. Brunon, of the Law Office of Bradley Wm. Brunon, located at 11601 Wilshire Boulevard, Suite 1400, Los Angeles, California 90025-0509.

3. On May 8, 1978, the Board issued Physician's and Surgeon's Certificate No. C 37980 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. 800-2017-031932 and will expire on November 30, 2021, unless renewed.

JURISDICTION

4. On February 26, 2020, Accusation No. 800-2017-031932 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2017-031932 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 Accusation No. 800-2017-031932. 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 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.

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

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CULPABILITY

8. Respondent understands that the charges and allegations in Accusation No. 800-2017-031932, 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 and pending investigations 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:

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ORDER

IT IS HEREBY ORDERED THAT Physician's and Surgeon's Certificate No. C 37980, issued to Respondent Khristine Elaine Eroshevich, 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 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. 800-2017-031932 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. 800-2017-031932 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.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Bradley Wm. Brunon. 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: October 20, 2020

KHRISTINE ELAINE EROSHEVICH, M.D.
Respondent

I have read and fully discussed with Respondent Khristine Elaine Eroshevich, 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: 10/20/2020

BRADLEY WM. BRUNON
Attorney 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: 10/20/2020

Respectfully submitted,

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

CHRISTINE R. FRIAR
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 800-2017-031932

XAVIER BECERRA
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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO February 26 2020
BY: Anna Logan ANALYST

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

In the Matter of the Accusation Against:	Case No. 800-2017-031932
KHRISTINE ELAINE EROSHEVICH, M.D. **269 South Beverly Drive #861** **Beverly Hills, CA 90212** **Physician's and Surgeon's Certificate No. C 37980,** Respondent.	**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 May 8, 1978, the Medical Board issued Physician's and Surgeon's Certificate Number C 37980 to Khristine Elaine Eroshevich, M.D. (Respondent). This Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 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 unless otherwise indicated.

4. Section 2227 of the Code states:

"(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

"(1) Have his or her license revoked upon order of the board.

"(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

"(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

"(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

"(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

"(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1."

5. 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:

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"(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.

"(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

"...."

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."

FACTUAL ALLEGATIONS

7. Respondent specializes in psychiatry. During the relevant time period, she maintained a solo private practice in Los Angeles County, California.

8. In 2007, Respondent began providing psychiatric services to the Patient[1] in relation to a Worker's Compensation claim.

9. According to Respondent, the Patient had symptoms of severe anxiety, possible Post Traumatic Stress Disorder and selective mutism.

10. Respondent's services to the Patient included psychotherapy sessions.

[1] In order to ensure the protection of privacy, the patient is identified in this charging pleading as the "Patient" and witnesses are referred to by their initials. The true name of the referenced patient and all referenced witnesses are known to Respondent and will be disclosed to her upon her timely Request for Discovery.

11. During the course of her care and treatment of the Patient, the Patient became embroiled in a dispute with her neighbors that ultimately resulted in the filing of at least one civil lawsuit between the Patient and her neighbors in Los Angeles Superior Court.

12. During the course of those legal proceedings, Respondent signed and submitted numerous Declarations, under penalty of perjury, at the request of the Patient and in her support.

13. In the Declarations, Respondent represents that she is the "doctor" of the Patient.

14. In a February 14, 2017, Declaration filed with the Los Angeles Superior Court in one of the civil lawsuits between the Patient and her neighbors, Respondent attested to the following:

- "I was the doctor for [the Patient] during the harassment of [the Patient] by [her neighbors] back in 2007."
- "Back in 2007, Ms. H. would go onto Ms. B.'s property and spray [the Patient] down with the hose. Ms. H. finds any opportunity to damage [the Patient] emotionally and physically."
- "I would tend to believe that Ms. B. is not a credible person and that most of those statements appear to be made up."
- "Ms. B. and Ms. S. are in a same sex relationship. The reason they are so hostile towards [the Patient] [sic] because they both tried to engage her in some unwanted activities."
- "[The neighbors] listed severely bullied and terrorized [the Patient]..."
- "[The Patient] is disabled and suffers from adult selective mutism."
- "I treated [the Patient] for several anxiety disorders that were caused by [her neighbors]. They have and continue to gang up on her and have not stopped. Ms. H. is generating future medical bills which can be legally collected by [the Patient]."
- "Today, those anxiety disorders have resurfaced due to harassment especially by Ms. H. and she will be financially responsible for treatments since she was the cause of them."

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- "[The Patient] will need to be treated again and the cost of those treatments will be estimated at around ***$68,000.00* (18 months of outpatient treatment, three sessions times a week).**" (Emphasis in original.)
- "Ms. B. intentionally walks her dog in front of [the Patient's] house and makes remarks. Again, she is ego driven to do this because she has been able to get away with this type of allowable behavior in the past."
- "If you allow them to once again emotionally rape [the Patient] she will need treatment and be set back when she worked so hard on being in a good place emotionally and mentally."
- "I will be referring [the Patient] to a lawyer that specializes in hates [sic] crimes and harassing disabled people and make sure this does not happen to her again. The responsibility [sic] parties will be [her neighbors] since they are the main cuprite's [sic] behind all of this..."

15. Attached to the Declaration were bills from Respondent for services rendered to the Patient totaling $5,000.00.

16. In another Declaration, also dated February 14, 2017, Respondent attests to the following:

- "In my opinion, the [Letter] appears to [sic] from a female person who has a history of drug usage."
- "Ms. W. created events and stories that never took place about [the Patient]..."
- "In my opinion, Ms. W. is suffering paranoia from her drug usage."
- "[T]he defendant's email states that [the Patient] was yelling at her and cursing at her. I will testify that this is not [the Patient's] behavior at all."
- "In my opinion, Ms. W. is not credible."

17. On or about March 15, 2017, Respondent sent a letter in connection with a civil lawsuit between the Patient and her neighbors to counsel in the action. In the letter, Respondent states that she is the Patient's doctor with power of attorney to speak on her behalf. The letter contains legal opinions and states that Respondent "will protect [the Patient's] rights as a disabled

person."

18. In a November 15, 2017, Declaration submitted to the Los Angeles Superior Court, Respondent attested to the following:

- "I am currently caring for [the Patient] and I have included her medical bills."
- "[The Patient] is NOT safe living next door to J.S."

19. Attached to the Declaration was a bill from Respondent to the Patient for "Room and Board" for the time period between July through December 2017. The amount charged totaled $7,900.00. The bill was initialed by Respondent. According to Respondent, those charges were for occasions when the Patient stayed in Respondent's home.

20. In a January 11, 2018, Declaration submitted to the Los Angeles Superior Court, Respondent attested to the following:

- "J.S. is a clear and present danger to [the Patient] and I fear for [the Patient's] safety and well-being."
- "Because [the Patient] has offered these facts in her sessions I feel it is important to break patient-doctor confidentiality with [the Patient's] permission so the Court has some factual basis of the problems [the Patient] has been facing."
- "[The Patient] is not safe in her home and therefore I am providing a safe environment for her to recover from her major surgery along with emergency counseling."
- "J.S. started threatening [the Patient] back in March 2017 and it did not stop before and after [the Patient's] surgery. It continues today."
- "J.S. has falsely file [sic] police reports against [the Patient]."
- "[The Patient] never trespassed on J.S.'s property as J.S. claims."
- "J.S. is trying to illegally obtain title to [the Patient's property] with aggression and false allegations. The garage (in question) was legally built, permitted and there is a Certificate of Occupancy dated 2000."
- "J.S. has been reported for elder abuse for sending her friends to [the Patient's] mother's residence to harm [the Patient's] mother."

- "J.S. has also sexually harassed [the Patient] by constantly questioning her if her breasts were real."
- "J.S. has intentionally placed Nest audio cameras by [the Patient's] window to record her sexual activities."
- "J.S. has been illegally recording [the Patient] and then making false allegations with those illegal recordings just to try and ruin her life because [the Patient] rejected her sexual flirts."
- "I have enclosed [the Patient's] medical expenses that J.S. is liable for 2017."
- "I have enclosed [the Patient's] living expenses that J.S. is liable for 2017."
- "I have been involved with [the Patient's] medical condition from the first diagnosis, surgery and now recovery."

21. Respondent admits that information contained in these Declarations and to which she attested to under penalty of perjury was not within her personal knowledge. Instead, the factual accounts in her Declarations pertaining to the Patient's interactions with her neighbors are based entirely on accounts from the Patient. Respondent further admits that the Patient wrote the Declarations and that she signed them, even though she did not know if the information contained therein was true, because she thought it would help the Patient in her court cases.

22. Respondent admits that she and the Patient not only had a doctor-patient relationship but also a friendship during the time that she treated the Patient. In that capacity, Respondent admits that she and the Patient traveled to New York together to visit Respondent's family, dined together on more than one occasion, went shopping together and traveled to Palm Springs, California together. Respondent also admits that in addition to having the Patient stay with her, she also stayed with the Patient when the Patient was recovering from surgery.

23. Although it is not documented, Respondent purports to have terminated her doctor-patient relationship with the Patient sometime in 2018.

24. Respondent has no medical records for the Patient.

25. The standard of care in the medical community requires that physicians, particularly psychiatrists, practice ethically and maintain strict boundaries with their patients. Psychiatrists

shall be ever vigilant about the impact that his or her conduct has upon the boundaries of the doctor-patient relationship, and thus upon the well-being of the patient. These requirements are important because of the private, highly personal, and sometimes intensely emotional nature of the relationship between a psychiatrist and his or her patient. The inherent inequality in the doctor-patient relationship may lead to exploitation of the patient.

26. Respondent committed an extreme departure from the standard of care when she allowed her relationship with the Patient to cross the boundaries of the doctor-patient relationship. Specifically, Respondent departed from the standard of care when she allowed the Patient to reside with her and when she traveled with the Patient, among other acts.

27. The standard of care in the medical community requires that a physician shall uphold the standards of professionalism and be honest in all professional interactions. If a physician is fearful that a patient will worsen unless he or she commits unprofessional conduct, then the physician should consult with other professionals and/or refer the patient to a higher level of care, such as day treatment or hospitalization. Presenting a Patient's falsehoods as statements of fact and/or medical recommendation falls below the standard of care.

28. Respondent committed an extreme departure from the standard of care when she submitted and signed declarations under the penalty of perjury, which contained inappropriate legal opinions and purported factual information and professional opinions about various people (the Patient's neighbors) who she had never professionally examined.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

29. Respondent Khristine Elaine Eroshevich, M.D. is subject to disciplinary action under Code section 2234, subdivision (b), in that she committed gross negligence in her care and treatment of the Patient. The circumstances are as follows:

30. Complainant refers to and, by this reference, incorporates herein Paragraphs 7 through 28, above, as though fully set forth.

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SECOND CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

31. Respondent Khristine Elaine Eroshevich, M.D. is subject to disciplinary action under Code section 2234, subdivision (c), in that she committed repeated negligent acts in her care and treatment of the Patient. The circumstances are as follows:

32. Complainant refers to and, by this reference, incorporates herein Paragraphs 7 through 28, above, as though fully set forth.

THIRD CAUSE FOR DISCIPLINE

(Inadequate Record Keeping)

33. Respondent Khristine Elaine Eroshevich, M.D. is subject to disciplinary action under section 2234, subdivision (a), and 2266 in that she failed to maintain adequate records for the Patient. The circumstances are as follows:

34. Complainant refers to and, by this reference, incorporates herein Paragraphs 7 through 28, above, as though fully set forth.

35. Respondent treated the Patient from 2007 until 2018.

36. On or about December 7, 2018, an investigator for Complainant, sent Respondent a subpoena duces tecum for the medical records of the Patient between the dates of January 1, 2014, through the "present."

37. On or about February 24, 2019, the investigator for Complainant received a Certification of No Records from Respondent for the Patient, indicating that Respondent has no records for the Patient for the requested time period.

DISCIPLINARY CONSIDERATIONS

38. To determine the degree of discipline, if any, to be imposed on Respondent Khristine Elaine Eroshevich, M.D., Complainant alleges that on or about March 2, 2012, in a prior disciplinary action titled *In the Matter of the Second Amended Accusation Against: Khristine Eroshevich, M.D.* before the Medical Board of California, in Case Number 17-2009-197998, Respondent's license was revoked for dishonest acts and the conviction of a crime. Specifically, Respondent admitted to making false statements in a psychiatric report and billing statement

regarding a workers compensation claimant. Further, on or about October 28, 2010, Respondent was convicted by a jury in the case of *People of the State of California v. Khristine Eroshevich, et al.,* Los Angeles Superior Court Case No. BA353907 of violating Health & Safety Code section 11173, subdivision (a) - unlawfully prescribing a controlled substance, an opiate, namely hydrocodone (Vicodin) by fraud, deceit or misrepresentation or concealment of a material fact, a misdemeanor. Respondent was sentenced to one year of summary probation and ordered to pay certain fine and fees totaling $170.00. The revocation of Respondent's license, however, was stayed and Respondent was placed on five (5) years of probation, effective March 30, 2012, with the requirements that her license be suspended for ninety (90) days, that she complete additional education courses, a prescribing practices course, the professionalism program (Ethics course), a psychiatric and medical evaluation, have her practice and billing monitored and other standard terms and conditions. That decision is now final and is incorporated by reference as if fully set forth herein.

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 C 37980, issued to Khristine Elaine Eroshevich, M.D.;

2. Revoking, suspending or denying approval of Khristine Elaine Eroshevich, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Khristine Elaine Eroshevich, 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: FEB 26 2020

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