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

In the Matter of the Accusation Against: Jerome Anthony Robson, M.D. Physician's and Surgeon's Certificate No. G32736 Respondent	Case No. 800-2017-032183

DECISION

The attached Stipulated Surrender 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

February 18, 2021,

IT IS SO ORDERED February 11, 2021

MEDICAL BOARD OF CALIFORNIA

By: _____
William Prasifka
Executive Director

XAVIER BECERRA
Attorney General of California
STEVEN D. MUNI
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: **JEROME ANTHONY ROBSON, M.D.** **1916 Scarborough Ct.** **Modesto, CA 95355-4416** **Physician's and Surgeon's Certificate No. G 32736** Respondent.	Case No. 800-2017-032183 OAH No. 2020060744 **STIPULATED SURRENDER 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 Megan R. O'Carroll, Deputy Attorney General.

2. Respondent Jerome Anthony Robson, M.D. (Respondent) is represented in this proceeding by attorney David Balfour, Esq., whose address is: 621 Capitol Mall, Suite 2500 Sacramento, CA 95814

3. On or about August 9, 1976, the Board issued Physician's and Surgeon's Certificate No. G 32736 to Jerome Anthony Robson, M.D. (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. 800-2017-032183, and will expire on September 30, 2022, unless renewed.

JURISDICTION

4. Accusation No. 800-2017-032183 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 March 23, 2020. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2017-032183 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. 800-2017-032183. Respondent has also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated Surrender and Disciplinary Order.

7. 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.

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

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2017-032183, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

10. Respondent does not contest that, at an administrative hearing, complainant could establish a prima facie case with respect to the charges and allegations in Accusation No. 800-2017-032183, a true and correct copy of which is attached hereto as Exhibit A, and that he has thereby subjected his Physician's and Surgeon's Certificate, No. G 32736 to disciplinary action.

11. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's imposition of discipline 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 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.

If Respondent ever files an application or petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. The 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. 800-2017-032183 shall be deemed to be true, correct and admitted by the Respondent when the Board determines whether to grant or deny the petition.

13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender 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

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 32736 issued to Respondent Jerome Anthony Robson, M.D. is surrendered and accepted by the Medical Board of California.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the Board's acceptance of it 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 Medical Board of California.

2. Respondent shall lose all rights and privileges as a Physician 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 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. 800-2017-032183 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, and any proceeding where a Board determines whether to grant or deny the petition.

ACCEPTANCE

I have carefully read the above Stipulated Surrender and Disciplinary Order and have fully discussed it with my attorney, David Balfour, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender and

Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 12/11/20

JEROME ANTHONY ROBSON, M.D.
Respondent

I have read and fully discussed with Respondent Jerome Anthony Robson, M.D. the terms and conditions and other matters contained in the above Stipulated Surrender and Disciplinary Order. I approve its form and content.

DATED: 12/14/2020

DAVID BALFOUR, ESQ.
Attorney for Respondent

ENDORSEMENT

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

DATED: 12/15/2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
STEVEN D. MUNI
Supervising Deputy Attorney General

MEGAN R. O'CARROLL
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2017-032183

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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:	Case No. 800-2017-032183
Jerome Anthony Robson, M.D. **500 Coffee Road, Suite E** **Modesto, CA 95355** **Physician's and Surgeon's Certificate No. G 32736,** 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 August 9, 1976, the Medical Board issued Physician's and Surgeon's Certificate Number G 32736 to Jerome Anthony Robson, M.D. (Respondent). The 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 September 30, 2020, unless renewed.

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:

> 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.
>
> ...
>
> (e) The commission of any act involving dishonesty or corruption, which is substantially related to the qualifications, functions, or duties of a physician and surgeon.
>
> ...

6. Section 2236 of the Code states:

> (a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
>
> (b) The district attorney, city attorney, or other prosecuting agency shall notify the Medical Board of the pendency of an action against a licensee charging a felony or misdemeanor immediately upon obtaining information that the defendant is a licensee. The notice shall identify the licensee and describe the crimes charged and the facts alleged. The prosecuting agency shall also notify the clerk of the court in which the action is pending that the defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds a license as a physician and surgeon.
>
> (c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours after the conviction, transmit a certified copy of the record of conviction to the board. The division may inquire into the circumstances surrounding the commission of a crime in order to fix the degree of discipline or to determine if the conviction is of an offense substantially related to the qualifications, functions, or duties of a physician and surgeon.

(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section and Section 2236.1. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

7. California Code of Regulations, title 16, section 1360, states:

For the purposes of denial, suspension or revocation of a license, certificate or permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license, certificate or permit under the Medical Practice Act if to a substantial degree it evidences present or potential unfitness of a person holding a license, certificate or permit to perform the functions authorized by the license, certificate or permit in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include but not be limited to the following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision of the Medical Practice Act.

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Crime)

8. Respondent's license is subject to disciplinary action under sections 2234 and 2236, subdivision (a) of the Code, and under Title 16 of the California Code of Regulations, section 1360, in that he was convicted of a crime substantially related to the qualification, function and duties of a person licensed to practice medicine. The circumstances are as follows:

9. Respondent is an anesthesiologist with a pain medicine practice in Modesto, California. On or about July 2014 through August 12, 2015, Respondent participated in an unlawful scheme with the owners and operators of One Source Laboratories, Monarch Medical Group and Kings Medical Management. The owners and operators of these businesses engaged in a variety of unlawful schemes in the medical field, including insurance fraud, and billing for medically unnecessary products and services.

10. Respondent allowed these businesses to bill for topical and oral medications he prescribed to his patients, and for urine tests he ordered for his patients. In return for ordering these tests and prescribing these oral and topical medications, the business owners paid compensation to Respondent. Respondent had no upfront, direct investment in the products and services. Respondent's rate of payments from Monarch Medical Group and Kings Medical Management was based on the rate of referral of patients. Thus, it constituted a fee splitting arrangement, which is illegal for physicians. Respondent received payments in excess of

$175,000 from Monarch Medical Group and King Medical Management for these tests and medications.

11. On or about April 3, 2017, the Orange County District Attorney's Office filed a 21-count felony complaint in the *People of the State of California vs. Jerome Anthony Robson*, in the Superior Court of California, County of Orange, alleging fraud, false claims, and rebates for patient referrals, in case number 17CF0808. On or about December 3, 2018, Respondent pled guilty to a misdemeanor violation of Business and Professions Code section 650, illegal fee splitting. The District Attorney's Office dismissed the remaining charges, counts, and enhancements in exchange for his plea. The Respondent stipulated to the following factual basis in support of his plea:

> On or about November 12, 2014, I was a licensed Physician in the State of California, and I received consideration as compensation or inducement for referring patients to Tanya Moreland King and her businesses, One Source Lab and Kings Medical Management.

12. Because of his plea, the Court sentenced Respondent to three years' informal probation, ordered him to pay fines and fees, and make restitution. In particular, the Court ordered Respondent to pay $175,710.92 in restitution to the Orange County District Attorney's Office's Monarch Restitution Fund, and donate $17,500.00 to the victim witness emergency fund. The Court also ordered that Respondent could not accept non-emergency workers compensation patients for three years, beginning on March 3, 2018.

13. Respondent's license is subject to disciplinary action because he was convicted of a crime substantially related to the practice of medicine.

SECOND CAUSE FOR DISCIPLINE

(Dishonest or Corrupt Act)

14. Respondent's license is subject to disciplinary action under section 2234, subdivision (e), in that Respondent committed a dishonest or corrupt act. The circumstances are set forth in paragraphs 8 through 13, above, which are incorporated here as though fully set forth herein.

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15. Respondent's license is subject to disciplinary action in that he committed a dishonest and corrupt act by receiving compensation for patient referrals.

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 32736, issued to Jerome Anthony Robson, M.D.;

2. Revoking, suspending or denying approval of Jerome Anthony Robson, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Jerome Anthony Robson, 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 23 2020

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

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