

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

In the Matter of the Accusation Against:

Madonna Christi Mallari, M.D.

Physician's and Surgeon's
Certificate No. C 138696

Respondent.

Case No. 800-2020-065773

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 March 4, 2021.

IT IS SO ORDERED February 25, 2021.

MEDICAL BOARD OF CALIFORNIA



William Prasifka
Executive Director

1 XAVIER BECERRA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
3 CAROLYNE EVANS
Deputy Attorney General
4 State Bar No. 289206
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3448
6 Facsimile: (415) 703-5480
Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

Case No. 800-2020-065773

13 **MADONNA CHRISTI MALLARI, M.D.**
17023 N. 98th Pl.
14 Scottsdale AZ 85255-2534

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Physician's and Surgeon's Certificate No.**

16 **C 138696**

17 Respondent.

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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 Carlyne Evans,
26 Deputy Attorney General.

27 2. MADONNA CHRISTI MALLARI, M.D. (Respondent) is representing herself in this
28 proceeding and has chosen not to exercise her right to be represented by counsel.

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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: January 28, 2021

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General

Carolynne Evans

CAROLYNE EVANS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2020-065773

1 XAVIER BECERRA
Attorney General of California
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Supervising Deputy Attorney General
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8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
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11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2020-065773

13 **Madonna Christi Mallari, M.D.**
14 **17023 N. 98th Pl.**
15 **Scottsdale AZ 85255-2534**

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. C 138696,**

Respondent.

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21 **PARTIES**

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

25 2. On or about October 5, 2015; the Medical Board issued Physician's and Surgeon's
26 Certificate Number C 138696 to Madonna Christi Mallari, M.D. (Respondent). The Physician's
27 and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
28 herein and will expire on June 30, 2021, unless renewed.

JURISDICTION

1
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 may have his or her license revoked, suspended for a period not to exceed one
7 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 provides that the Board shall take action against any
10 licensee who is charged with "unprofessional conduct," which includes but is not limited to,
11 "[v]iolating . . . any provision of this chapter."

12 6. Section 2305 of the Code provides, in pertinent part, that the revocation, suspension,
13 or other discipline, restriction, or limitation imposed by another state upon a license to practice
14 medicine issued by that state, or the revocation, suspension, or restriction of the authority to
15 practice medicine by any agency of the federal government, that would have been grounds for
16 discipline in California, shall constitute grounds for disciplinary action for unprofessional
17 conduct.

18 7. Section 141 of the Code provides:

19 (a) For any licensee holding a license issued by a board under the jurisdiction of the
20 department, a disciplinary action taken by another state, by any agency of the federal government,
21 or by another country for any act substantially related to the practice regulated by the California
22 license, may be a ground for disciplinary action by the respective state licensing board. A
23 certified copy of the record of the disciplinary action taken against the licensee by another state,
24 an agency of the federal government, or another country shall be conclusive evidence of the
25 events related therein.

26 (b) Nothing in this section shall preclude a board from applying a specific statutory
27 provision in the licensing act administered by that board that provides for discipline based upon a
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1 disciplinary action taken against the licensee by another state, an agency of the federal
2 government or another country.

3 **CAUSE FOR DISCIPLINE**

4 **(Discipline, Restriction, or Limitation Imposed by Another State)**

5 8. On March 6, 2020, the Arizona Medical Board (Arizona Board) issued an Interim
6 Consent Agreement for Practice Restriction (Interim Practice Restriction Agreement) Case No.
7 MD-18-0913A, attached herewith as Exhibit A, regarding Respondent's license to practice
8 medicine in Arizona. The Interim Practice Restriction Agreement states that Respondent is:
9 "prohibited from prescribing controlled substances in the State of Arizona pending the outcome
10 of a formal interview or formal hearing in this matter." The Arizona Board determined that a
11 practice prohibition was necessary based on evidence that Respondent inappropriately prescribed
12 controlled substances to five patients.

13 9. Respondent's foregoing conduct and the actions of the Arizona Board, as set forth in
14 paragraph 8, above, and Exhibit A, attached, constitute cause for discipline, pursuant to section
15 2234 and/or section 2305 and/or section 141 of the Code.

16
17 **PRAYER**

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

20 1. Revoking or suspending Physician's and Surgeon's Certificate Number C 138696,
21 issued to Madonna Christi Mallari, M.D.;

22 2. Revoking, suspending or denying approval of Madonna Christi Mallari, M.D.'s
23 authority to supervise physician assistants and advanced practice nurses;

24 3. Ordering Madonna Christi Mallari, M.D., if placed on probation, to pay the Board the
25 costs of probation monitoring; and

26 ///

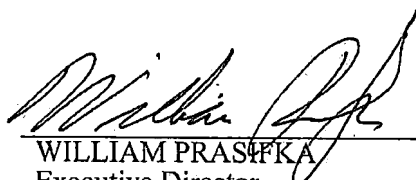
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4. Taking such other and further action as deemed necessary and proper.

DATED: NOV 06 2020



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

- BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

Case No. MD-18-0913A

MADONNA C. MALLARI, M.D.

**INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION**

Holder of License No. 33207
For the Practice of Allopathic Medicine
In the State of Arizona.

INTERIM CONSENT AGREEMENT

Madonna C. Mallari, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Interim Consent Agreement for Practice Restriction and consents to the entry of this Order by the Arizona Medical Board ("Board").

INTERIM FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 33207 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-18-0913A after receiving a complaint regarding Respondent's care and treatment of a 67 year-old female patient ("CS") alleging inappropriate prescribing of controlled medications to a patient with a history of substance abuse and Respondent's care of a 67 year-old male patient ("LS") alleging inappropriate prescribing and medication management.

Patient CS

4. On April 26, 2016, CS established care with Respondent. CS had a history of anxiety and difficulty sleeping. CS's medication list included lorazepam 0.5 mg and zolpidem 10mg. Respondent prescribed CS clonazepam 0.5 mg daily and zolpidem 10 mg

1 at night. Respondent refilled these medications routinely over the next nine months
2 without additional visits.

3 5. On January 3, 2017, CS saw Respondent and noted anxiety and trouble
4 sleeping due to being her husband's caregiver. Respondent prescribed CS lorazepam 0.5
5 mg daily and refilled CS's zolpidem.

6 6. On January 5, 2017, CS's daughter called the office and advised that her
7 mother was an alcoholic and was mixing her medications with alcohol. On January 10,
8 2017, CS was advised her liver enzymes were elevated from drinking too much alcohol.
9 On January 26, 2017, Respondent referred CS to an orthopedist after she called and
10 reported that she had fallen but did not want to go to an emergency room.

11 7. On February 16, 2017, Respondent documented CS had an accidental fall
12 from her dog pushing her down. CS had suffered a left proximal humerus and was status
13 post-surgery. Respondent noted she did not want to prescribe lorazepam or Ambien due
14 to high risk of falls and history of alcohol. Respondent prescribed CS sertraline 50 mg daily
15 and trazodone 50 mg at night.

16 8. On February 20, 2017, CS called the office stating he stopped the trazodone
17 because it was making her jittery. Respondent advised CS to stop taking the trazodone
18 and renewed her prescription for zolpidem. Respondent saw CS again on March 2, 2017
19 and advised her to refrain from alcohol, and then provided the patient with routine refills of
20 zolpidem for eight months.

21 9. On November 21, 2017, CS reported that she had stopped taking the
22 sertraline, but did not want to see a therapist. Respondent instructed CS to not drink
23 alcohol while taking the zolpidem. Respondent decreased CS's zolpidem to 5mg at night
24 and subsequently refilled CS's medication for four months.

25

1 prescribed AP oxycodone/acetaminophen and Valium. On a subsequent appointment on
2 September 22, 2016, Respondent prescribed AP Oxycodone 15 mg every 6 hours as
3 needed for pain.

4 24. Respondent continued to treat AP through August 1, 2019 with medications
5 including oxycodone 15mg every 6 hours, gabapentin 600mg three times daily, Belsomra
6 10mg at bedtime, Valium and alprazolam. AP's morphine milligram equivalents ("MME")
7 was 112 daily. During Respondent's treatment, AP continued to be followed by palliative
8 care.

9 **Patient FL**

10 25. Patient FL, a 68 year-old female with diagnoses of lumbar spinal stenosis
11 hyperglycemia and hyperlipidemia, established care with Respondent on August 14, 2014.
12 Respondent documented FL's complaint that she was experiencing progressively
13 worsening lower back pain and that FL was taking medications including alprazolam,
14 tramadol and Ambien. Respondent referred FL to neurosurgery for her lumbar stenosis.
15 Respondent prescribed FL alprazolam and Tramadol and continued to provide FL refills
16 over the next six months.

17 26. On February 5, 2015, FL underwent spinal decompression surgery for which
18 Respondent prescribed Norco 5/325 three times a day, and instructed FL to discontinue
19 medications including the Tramadol.

20 27. On June 23, 2015, Respondent documented that the surgery had been
21 successful and FL was improved, but also added anxiety and insomnia to FL's problem
22 list. Respondent documented that FL was taking Ambien at bedtime, and prescribed
23 Belsomra, and Citalopram with a follow-up in six months. Respondent subsequently
24 substituted Respondent's Belsomra for Zolpidem.

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1 28. Respondent continued to treat FL through September 10, 2019 with
2 medications including Zolpidem, Alprazolam, Tramadol and Trazadone.

3 **Patient WS**

4 29. WS was an established female patient of Respondent. In 2014, when WS
5 was 80, and at a November 18, 2014 visit, Respondent documented a number of
6 problems including lumbar stenosis, post traumatic bilateral knee osteoarthritis and
7 chronic insomnia. WS's medication list included Cymbalta, and Lidoderm 5% patch.
8 Respondent noted that the patient was on Fentanyl and IR Oxycodone 5 mg three times a
9 day and being followed by endocrinology and nephrology. Respondent prescribed WS
10 Zolpidem 6.25 mg nightly, Oxycodone 5 mg every 8 hours as needed for pain, and
11 Fentanyl patch 75 mcg/hr every third day.

12 30. Respondent again saw December 10, 2015 when she noted that WS was in
13 an assisted living facility. Respondent noted that WS was not a candidate for total knee
14 replacement due to high comorbid conditions, and prescribed fentanyl patch 75mcg #15,
15 oxycodone 5mg three times a day as needed #90 and lidocaine patches one patch every
16 12 hours.

17 31. Respondent continued to treat WS through February 27, 2019 with
18 medications including Zolpidem, Oxycodone and Fentanyl.

19 **Deviations from the Standard of Care**

20 32. A Medical Consultant ("MC") who reviewed Respondent's care of CS, LS,
21 AP, FL and WS noted deviations from the standard of care for Respondent's treatment of
22 all patients.

23 33. For Patient CS, the MC found that Respondent deviated from the standard of
24 care by prescribing a combination of lorazepam and zolpidem to a patient with a history of
25

1 substance abuse, and by prescribing lorazepam and zolpidem to a geriatric patient without
2 a documented rationale.

3 34. For Patient LS, the MC found that Respondent deviated from the standard of
4 care by prescribing clonazepam to a geriatric patient with Alzheimer's dementia without a
5 documented rationale, and by failing to adequately treat LS's Alzheimer's dementia.

6 35. For Patients AP, FL and WS the MC identified deviations from the standard
7 of care by concomitantly prescribing opiates, benzodiazepines, and other medications
8 without a clinical rationale, by prescribing high dose opioids for long term use without a
9 clinical rationale, failing to perform drug screens prior to prescribing controlled substances
10 and failing to review and monitor the patient's Controlled Substance Prescription
11 Monitoring Profile ("CSPMP")

12 36. Actual patient harm was identified in that CS suffered a left proximal
13 humerus fracture requiring surgical repair and a right subdural hematoma requiring
14 surgical evacuation. Additionally, the progression of LS's Alzheimer's was exacerbated by
15 the continuation of clonazepam.

16 37. There was potential for patient harm in that Patients AP, FL and WS
17 including that all three patients were all at risk for CNS depression, respiratory drive
18 decrease and motor impairment.

19 38. The aforementioned information was presented to the investigative staff, the
20 medical consultant and the lead Board member. All reviewed the information and concur
21 that the interim consent agreement to restrict Respondent's controlled substance
22 prescribing pending the outcome of a formal interview or formal hearing is appropriate.

23 39. The investigation into this matter is pending Board review.

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1 **INTERIM CONCLUSIONS OF LAW**

2 1. The Board possesses jurisdiction over the subject matter hereof and over
3 Respondent.

4 2. Pursuant to A.R.S. § 32-1405(C)(25) the Executive Director has authority to
5 enter into a consent agreement when there is evidence of danger to the public health and
6 safety.

7 3. Pursuant to A.A.C. R4-16-504, the Executive Director may enter into an
8 interim consent agreement when there is evidence that a restriction is needed to mitigate
9 imminent danger to the public's health and safety. Investigative staff, the Board's medical
10 consultant and the lead Board member have reviewed the case and concur that an interim
11 consent agreement is appropriate.

12 **INTERIM ORDER**

13 IT IS HEREBY ORDERED THAT:

14 1. Respondent is prohibited from prescribing controlled substances in the State
15 of Arizona pending the outcome of a formal interview or formal hearing in this matter.

16 2. Respondent may request, in writing, release and/or modification of this
17 Interim Consent Agreement. The Executive Director, in consultation with and agreement of
18 the lead Board member and the Chief Medical Consultant, has the discretion to determine
19 whether it is appropriate to release Respondent from this Interim Consent Agreement.

20 3. The Board retains jurisdiction and may initiate new action based upon any
21 violation of this Interim Consent Agreement, including, but not limited to, summarily
22 suspending Respondent's license.

23 4. Because this is an Interim Consent Agreement and not a final decision by
24 the Board regarding the investigation, it is subject to further consideration by the Board.

25 5. This Interim Consent Agreement shall be effective on the date signed by the

1 Board's Executive Director.

2 RECITALS

3 Respondent understands and agrees that:

4 1. The Board, through its Executive Director, may adopt this Interim Consent
5 Agreement, or any part thereof, pursuant to A.R.S. § 32-1405(C)(25) and A.A.C. R4-16-
6 504.

7 2. Respondent has read and understands this Interim Consent Agreement as
8 set forth herein, and has had the opportunity to discuss this Interim Consent Agreement
9 with an attorney or has waived the opportunity to discuss this Interim Consent Agreement
10 with an attorney. Respondent voluntarily enters into this Interim Consent Agreement and
11 by doing so agrees to abide by all of its terms and conditions.

12 3. By entering into this Interim Consent Agreement, Respondent freely and
13 voluntarily relinquishes all rights to an administrative hearing on the matters set forth
14 herein, as well as all rights of rehearing, review, reconsideration, appeal, judicial review or
15 any other administrative and/or judicial action, concerning the matters related to the
16 Interim Consent Agreement.

17 4. Respondent understands that this Interim Consent Agreement does not
18 constitute a dismissal or resolution of this matter or any matters that may be currently
19 pending before the Board and does not constitute any waiver, express or implied, of the
20 Board's statutory authority or jurisdiction regarding this or any other pending or future
21 investigations, actions, or proceedings. Respondent also understands that acceptance of
22 this Interim Consent Agreement does not preclude any other agency, subdivision, or
23 officer of this State from instituting civil or criminal proceedings with respect to the conduct
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1 that is the subject of this Interim Consent Agreement. Respondent further does not
2 relinquish his/her rights to an administrative hearing, rehearing, review, reconsideration,
3 judicial review or any other administrative and/or judicial action, concerning the matters
4 related to a final disposition of this matter, unless Respondent affirmatively does so as part
5 of the final resolution of this matter.

6 5. Respondent acknowledges and agrees that upon signing this Interim
7 Consent Agreement and returning it to the Board's Executive Director, Respondent may
8 not revoke acceptance of this Interim Consent Agreement or make any modifications to it.
9 Any modification of this original document is ineffective and void unless mutually approved
10 by the parties in writing.

11 6. Respondent understands that this Interim Consent Agreement shall not
12 become effective unless and until it is signed by the Board's Executive Director.

13 7. Respondent understands and agrees that if the Board's Executive Director
14 does not adopt this Interim Consent Agreement, he will not assert in any future
15 proceedings that the Board's consideration of this Interim Consent Agreement constitutes
16 bias, prejudice, prejudgment, or other similar defense.

17 8. Respondent understands that this Interim Consent Agreement is a public
18 record that may be publicly disseminated as a formal action of the Board, and that it shall
19 be reported as required by law to the National Practitioner Data Bank.

20 9. Respondent understands that this Interim Consent Agreement does not
21 alleviate Respondent's responsibility to comply with the applicable license-renewal
22 statutes and rules. If this Interim Consent Agreement remains in effect at the time
23 Respondent's allopathic medical license comes up for renewal, Respondent must renew
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1 the license if Respondent wishes to retain the license. If Respondent elects not to renew
2 the license as prescribed by statute and rule, Respondent's license will not expire but
3 rather, by operation of law (A.R.S. § 32-3202), become suspended until the Board takes
4 final action in this matter. Once the Board takes final action, in order for Respondent to be
5 licensed in the future, Respondent must submit a new application for licensure and meet
6 all of the requirements set forth in the statutes and rules at that time.

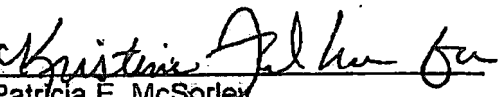
7 10. Respondent understands that any violation of this Interim Consent
8 Agreement constitutes unprofessional conduct under A.R.S. § 32-1401(27)(s) ("[v]iolating
9 a formal order, probation, consent agreement or stipulation issued or entered into by the
10 board or its executive director under this chapter.").

11
12 
13 MADONNA C. MALLARI, M.D.

DATED: 3/6/2020

14 DATED this 6th day of March, 2020.

15 ARIZONA MEDICAL BOARD

16
17 By 
18 Patricia E. McSorley
19 Executive Director

1 EXECUTED COPY of the foregoing e-mailed
this 6th day of March, 2020 to:

2 T. Scott King, Esq.
3 Broening, Oberg, Woods & Wilson, PC
4 2800 North Central Avenue, Suite 1600
5 Phoenix, Arizona 85004
6 Attorney for Respondent

7 ORIGINAL of the foregoing filed
8 this 6th day of March, 2020 with:

9 Arizona Medical Board
10 1740 West Adams, Suite 4000
11 Phoenix, Arizona 85007

12 Michelle Robles
13 Board staff
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