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

In the Matter of the Accusation Against: Roderick Gow Lamond, M.D. Physician's & Surgeon's Certificate No. A 42165 Respondent.	Case No. 800-2019-060658

DENIAL BY OPERATION OF LAW
PETITION FOR RECONSIDERATION

No action having been taken on the petition for reconsideration, filed by February 22, 2021, and the time for action having expired at 5:00 p.m. on March 5, 2021, the petition is deemed denied by operation of law.

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In the Matter of the Accusation Against: Roderick Gow Lamond, M.D. Physician's & Surgeon's Certificate No. A 42165 Respondent.	Case No. 800-2019-060658 **ORDER GRANTING STAY** (Government Code Section 11521)

The Medical Board of California (Board) has filed a Request for Stay of execution of the Decision in this matter with an effective date of February 25, 2021, at 5:00 pm.

Execution is stayed until March 5, 2021 at 5:00 p.m.

This stay is granted solely for the purpose of allowing the Board time to review and consider the Motion to Set Aside Default Decision.

DATED: February 23, 2021

William Prasifka
Executive Director
Medical Board of California

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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, **RODERICK GOW LAMOND, M.D.** **1601 E. 19th Ave, Suite 6250** **Denver, CO 80218-1291** **Physician's and Surgeon's Certificate No. A42165** Respondent.	Case No. 800-2019-060658 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On October 21, 2020, Complainant William Prasifka, in his official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs, filed Accusation No. 800-2019-060658 against Roderick Gow Lamond, M.D. (Respondent) before the Medical Board of California.

2. On September 30, 1985, the Medical Board of California (Board) issued Physician's and Surgeon's Certificate No. A42165 to 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, 2021, unless renewed. (Exhibit Package, Exhibit 1[1], license certification.)

3. On October 21, 2020, Respondent was duly served with an Accusation, alleging causes for discipline against Respondent. (Exhibit Package, Exhibit 2, Accusation.)

4. The allegations of the Accusation are true as follows based on public records of the Colorado State Medical Board which are attached as Exhibit A to the Accusation, Exhibit Package, Exhibit 2, Accusation.

- On September 12, 2019, the Colorado State Medical Board (Colorado Board) issued a disciplinary action in the form of a "letter of admonition."
- The admonishment was based on a November 2017 procedure on a patient where Respondent unintentionally performed a lumbar microdiscectomy on the L3-4 level of the spine instead of at the L4-5 level of the spine. This resulted in continued symptoms for the patient and required a second surgery.
- The performing of a surgical procedure at the wrong level of a patient's spine constituted unprofessional conduct in violation of section 12-36-117 of the Colorado Revised Statutes in that it was care and treatment that fell below the generally accepted standards of practice for a physician.

5. On October 21, 2020, an employee of the Medical Board of California (Board), sent by certified mail a copy of Accusation No. 800-2019-060658, Statement to Respondent, Notice of Defense in blank, and Request for Discovery to Respondent's address of record with the Board, which was and is 1601 E. 19th Ave, Suite 6250, Denver, CO 80218-1291. The United States Post Office tracking system noted the package was delivered on October 24, 2020. (Exhibit Package, Exhibit 2, Accusation, proof of service; Exhibit 3, USPS tracking printout.)

6. There was no response to the Accusation. On November 12, 2020, an employee of the Attorney General's Office sent a Courtesy Notice of Default, by certified mail, addressed to Respondent at the address of record above, as well as to a Colorado address associated with

[1] The evidence in support of this Default Decision and Order is submitted herewith as the "Exhibit Package."

Respondent: Denver Neurologic and Spine Assoc. 3455 Lutheran Parkway, Suite 280, Wheat Ridge, CO 80033. The Courtesy Notice of Default advised Respondent of the service of the Accusation, and provided him with an opportunity to file a Notice of Defense and request relief from default. The United State Post Office tracking system noted the package was delivered to Respondent's address of record on November 19, 2020. There is no service to the second address in Colorado associated with Respondent. (Exhibit Package, Exhibit 4, Courtesy Notice of Default, proof of service, USPS tracking printouts.)

7. Respondent has not responded to service of the Accusation or the Notice of Default. He has not filed a Notice of Defense. As a result, Respondent has waived his right to a hearing on the merits to contest the allegations contained in the Accusation.

8. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

STATUTORY AUTHORITY

9. Government Code section 11506 states, in pertinent part:

"(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

10. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 800-2019-060658.

11. California Government Code section 11520 states, in pertinent part:

"(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent."

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DETERMINATION OF ISSUES

1. The Board has jurisdiction to adjudicate this case by default, and pursuant to Government Code section 11520, finds that Respondent is in default. The Board will take action without further proceedings or hearing and, based on Respondent's admissions by way of default and the evidence before the Board contained in the Exhibit Package, finds that the allegations in Accusation No. 800-2019-060658, are true and correct.

2. Respondent's conduct and the action of the Colorado State Medical Board constitute cause for discipline within the meaning of Business and Professions Code sections 2305 and 141(a).

DISCIPLINARY ORDER

Physician's and Surgeon's Certificate No. A42165, issued to RODERICK GOW LAMOND, M.D., is hereby **REVOKED**.

Respondent shall not be deprived of making a request for relief from default as set forth in Government Code section 11520(c) for good cause shown. However, such showing must be made in writing by way of a motion to vacate the default decision and directed to the Medical Board of California at 2005 Evergreen Street, Suite 1200, Sacramento, CA 95815 within seven (7) days of the service of this Decision. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision will become effective at 5:00 p.m. on February 25, 2021.

It is so ordered on January 26, 2021.

WILLIAM PRASIFKA
Executive Director
For the Medical Board Of California
Department Of Consumer Affairs

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

In the Matter of the Accusation Against: **Roderick Gow Lamond, M.D.** **1601 E. 19th Ave, Suite 6250** **Denver, CO 80218-1291** **Physician's and Surgeon's Certificate No. A42165,** Respondent.	Case No. 800-2019-060658 **A C C U S A T I O N**

PARTIES

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 or about September 30, 1985, the Medical Board issued Physician's and Surgeon's Certificate Number A42165 to Roderick Gow Lamond, 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, 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 (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 2305 of the Code provides, in part, that the revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California under the Medical Practice Act, constitutes grounds for discipline for unprofessional conduct.

6. Section 141 of the Code states:

> (a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.
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> (b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country.

CAUSE FOR DISCIPLINE

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

7. On September 12, 2019, the Colorado State Medical Board imposed discipline on Respondent's Colorado medical license. Respondent was issued a "Letter of Admonition" for engaging in unprofessional conduct. The discipline was based on a complaint that Respondent

violated accepted standards of practice for a physician when Respondent performed a surgical procedure at the wrong level of a patient's spine requiring the patient to have a second surgery (procedure done at the L3-04 level instead of the L4-5 level of the spine). A copy of the Colorado Medical Board Letter of Admonition is attached as Exhibit A.

8. Respondent's conduct and the action of the Colorado State Medical Board as set forth in paragraph 7, above, constitute cause for discipline pursuant to sections 2305 and/or 141 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 A42165, issued to Roderick Gow Lamond, M.D.;

2. Revoking, suspending or denying approval of Roderick Gow Lamond, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Roderick Gow Lamond, 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: OCT 21 2020

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

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EXHIBIT A

Colorado State Medical Board Letter of Admonition

COLORADO
Department of
Regulatory Agencies
Division of Professions and Occupations

September 12, 2019

Roderick G. Lamond, D.O.

Re: Case No. 2019-4028-A

Dear Dr. Lamond:

Inquiry Panel A ("Panel") of the Colorado Medical Board ("Board") has concluded its inquiry regarding your care and treatment of patient D.H. It was the Panel's decision not to commence with formal proceedings against your license to practice medicine. However, the Panel did vote to administer disciplinary action to you in the form of this letter of admonition.

As you recall, in November 2017, you performed a right L4-5 lumbar microdiscectomy on Patient D.H. Although you intended to perform the procedure at the L4-5 level of the spine, you unintentionally performed the procedures at the L3-4 level, resulting in continued symptoms for the patient and requiring a second surgery.

After a review of all the information in this matter, the Panel found that your care and treatment of patient D.H. fell below the generally accepted standards of practice for a physician, constituting unprofessional conduct in violation of section 12-36-117 of the Colorado Revised Statutes. Specifically, you performed a surgical procedure at the wrong level of a patient's spine.

By this letter, the Panel hereby admonishes you and cautions you that complaints disclosing any repetition of such practice may lead to the commencement of formal disciplinary proceedings against your license to practice medicine, wherein this letter of admonition may be entered into evidence as aggravation.

You are advised that it is your right to have this case reviewed in an administrative proceeding. To do so, you must submit a written request within twenty (20) days after receipt of this letter. In your request, you must clearly ask that formal disciplinary proceedings be initiated against you to adjudicate the propriety of the conduct upon which this letter of admonition is based. If such request is timely made, this letter of admonition will be deemed vacated, and the matter will be processed by means of a formal complaint and hearing in accordance with the provisions of the Medical Practice Act.

Sincerely,

FOR THE COLORADO MEDICAL BOARD
INQUIRY PANEL A

Amanda M. Mixon P.A.-C
Chair

AMM/bvm

Cc: Chad K. Gillam