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

In the Matter of the First Amended Accusation Against: Terrance Paul Nielsen, M.D. Physician's and Surgeon's Certificate No. A35523 Respondent	Case No. 800-2018-045532

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 17, 2021.

IT IS SO ORDERED March 10, 2021.

MEDICAL BOARD OF CALIFORNIA

By: _____
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 First Amended Accusation Against: **TERRANCE PAUL NIELSEN, M.D.** 335 Katherine Ave. Salinas, CA 93901-3176 Physician's and Surgeon's Certificate No. A 35523 Respondent.	Case No. 800-2018-045532 **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. Terrance Paul Nielsen, M.D. (Respondent) is represented in this proceeding by attorney Geoffrey A. Mires, of Rankin Shuey Ranucci Mintz Lampasona & Reynolds, 2030 Franklin Street, 6th Floor, Oakland, CA 94612.

3. On July 9, 1980, the Board issued Physician's and Surgeon's Certificate No. A 35523 to Terrance Paul Nielsen, M.D. (Respondent). The certificate is renewed and current, with an expiration date of February 28, 2022.

JURISDICTION

4. First Amended Accusation No. 800-2018-045532 was filed before the Board, and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent, who timely filed his Notice of Defense. A copy of First Amended Accusation No. 800-2018-045532 is attached as Exhibit A.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Accusation No. 800-2018-045532. 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 First Amended Accusation No. 800-2018-045532, 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 First Amended 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 First Amended 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. A 35523, issued to Respondent Terrance Paul Nielsen, 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. Respondent understands that because this surrender of license is based, in large part, on Section 822 of the Code, he may not petition for reinstatement of his certificate for a period of one (1) year from the effective date of his surrender. 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 First Amended Accusation No. 800-2018-045532 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 First Amended Accusation, No. 800-2018-045532 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. 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: 3-4-2021 Terrance Paul Nielsen MD

TERRANCE PAUL NIELSEN, M.D.
Respondent

I have read and fully discussed with Respondent Terrance Paul Nielsen, 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: 3-8-21

GEOFFREY A. MIRES
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: 3/8/2021

Respectfully submitted,

XAVIER BECERRA
Attorney General of California

Jane Zack Simon

JANE ZACK SIMON
Supervising Deputy Attorney General
Attorneys for Complainant

SF2020400897
42576856.docx

Exhibit A

First Amended Accusation No. 800-2018-045532

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 First Amended Accusation Against: **Terrance Paul Nielsen, M.D.** 335 Katherine Ave. Salinas, CA 93901-3176 Physician's and Surgeon's Certificate No. A 35523, Respondent.	Case No. 800-2018-045532 **FIRST AMENDED ACCUSATION**

PARTIES

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

2. On July 9, 1980, the Medical Board issued Physician's and Surgeon's Certificate Number A 35523 to Terrance Paul Nielsen, 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 February 28, 2022, unless renewed.

///

///

///

JURISDICTION

3. This First Amended 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, in relevant 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.

"(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. . . .

". . . ."

6. Section 2266 of the Code provides that 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.

7. Business and Professions Code section 822 provides that the Board may take action against a licensee whose ability to safely practice medicine is impaired because of mental illness or physical illness affecting competency.

///

///

///

FIRST CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

8. Respondent specializes in obstetrics and gynecology.

9. Patient P-1[1] was a baby girl delivered by Respondent on February 11, 2016. The delivery was via cesarean section with a breech presentation. Respondent inflicted a small 15 mm laceration on the baby's left flank during the delivery with the knife he used to make the incision.

10. Patient P-2 was a baby boy delivered by Respondent on April 9, 2016. The delivery was via cesarean section performed for failure to descend. Respondent inflicted a 1-1/2 inch laceration on the baby's cheek during the delivery with the knife he used to make the incision. The laceration was treated with 3 Steri-Strip wound closure bandages.

11. Patient P-3 was a baby girl delivered by Respondent on May 6, 2016. The delivery was via cesarean section performed for failure to progress in labor. Respondent inflicted a moderate depth skin laceration to the baby's right forehead, 2.5 cm in length, during the delivery with the knife he used to make the incision. The laceration was treated with Steri-Strip wound closure bandages.

12. Respondent is guilty of unprofessional conduct and subject to disciplinary action under section 2234, subdivision (c), in that he committed repeated negligent acts by causing laceration injuries to three babies during cesarean section surgeries in a three-month period.

SECOND CAUSE FOR DISCIPLINE

(Repeated Negligent Acts/Failure to Maintain Adequate Records)

13. On January 30, 2018, Respondent performed a repeat cesarean section on Patient P-4. He delivered the baby at 8:20 a.m. Mother and baby were taken to the post anesthesia care unit (PACU) at 9:02 a.m.

14. Respondent failed to complete postpartum orders in a timely manner.

[1] The patients are designated in this document as Patients P-1 through P-6 to protect their privacy. Respondent knows the names of the patients and can confirm their identities through discovery.

15. Starting at around 10:00 a.m., nurses caring for Patient P-4 attempted and failed multiple times to contact Respondent for postpartum orders by cell phone, leaving messages at his office, and by overhead page. Respondent did not dictate his report until 11:10 a.m., and the medical records reflect that a nurse acknowledged receiving Respondent's postpartum orders at 11:43 a.m.

16. Respondent is guilty of unprofessional conduct and subject to disciplinary action under section 2234, subdivision (c), and/or section 2266 in that his failure to timely prepare postpartum orders for Patient P-4 and to timely respond to calls and messages from treating nurses constitutes negligence and failure to maintain accurate and adequate records.

THIRD CAUSE FOR DISCIPLINE

(Gross Negligence/Repeated Negligent Acts)

17. Patient P-5 was 36 weeks pregnant when she was admitted to the hospital on December 18, 2017 with elevated blood pressure and an amniotic fluid leak.

18. Two days later, on December 20, 2017, Respondent assisted P-5 with a vaginal delivery. The delivery time was 4:19 p.m.

19. P-5's placenta did not spontaneously deliver and Respondent attempted to extract it manually. After a third failed attempt to remove the placenta at approximately 5:00 p.m. and consulting with a hospitalist, Respondent determined that the placenta would have to be removed operatively.

20. Respondent contacted another obstetrician to perform the operative extraction. After having P-5 moved to the PACU to wait for the other obstetrician, Respondent left the hospital to deal with a family emergency. The obstetrician did not arrive for another hour, at approximately 6:00 p.m. She performed the placental extraction under general anesthesia, beginning the procedure at 6:43 p.m. and completing it at 6:56 p.m.

21. Respondent is guilty of unprofessional conduct and subject to disciplinary action under section 2234, subdivision (b) and/or subdivision (c), in that his decision to leave a patient with a retained placenta – and, therefore, a risk of significant bleeding- unattended by a physician, constitutes gross negligence and/or repeated negligent acts.

FOURTH CAUSE FOR DISCIPLINE

(Repeated Negligent Acts and/or Failure to Maintain Adequate Records)

22. Patient P-6 was admitted to the hospital for a repeat cesarean section on March 8, 2017. Respondent performed the cesarean section that same afternoon, delivering twins at 5:32 p.m. and 5:34 p.m., respectively.

23. Respondent did not dictate his operative report for the surgery until three days later, at 11:57 a.m. on March 11, 2017. He signed the report at 12:15 p.m.

24. Respondent is guilty of unprofessional conduct and subject to disciplinary action under section 2234, subdivision (c), and/or section 2266 in that his failure to prepare a timely Operative Report constitutes negligence and failure to maintain accurate and adequate medical records.

FIFTH CAUSE FOR DISCIPLINE

(Impaired Ability to Safely Practice)

25. Respondent underwent an evaluation by a Board-appointed neuropsychologist. The evaluator's January 2021 report concluded that Respondent is unable to safely practice medicine as a result of significant cognitive and memory deficits.

26. Respondent is subject to disciplinary action by the Board pursuant to sections 2227 and 822 of the Code in he is impaired in his ability to safely practice medicine as a result of mental or physical illness affecting competency.

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 A 35523, issued to Terrance Paul Nielsen, M.D.;

2. Revoking, suspending or denying approval of Terrance Paul Nielsen, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Terrance Paul Nielsen, 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 03 2021

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

SF2020400897
42576697.docx