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

In the Matter of the Accusation Against: **Roy Quinones, M.D.** **Physician's & Surgeon's Certificate No A 81287** **Respondent.**	**Case No. 800-2017-030764**

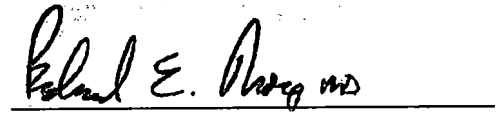
DECISION

The attached Stipulated Settlement and Disciplinary Order for Public Reprimand 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 April 9, 2021

IT IS SO ORDERED March 11, 2021

MEDICAL BOARD OF CALIFORNIA



Richard E. Thorp, M.D., Chair
Panel B

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

In the Matter of the Accusation Against: **ROY QUINONES, M.D.** **660 4th Street, Ste. 150** **San Francisco, CA 94107-1618** **Physician's and Surgeon's Certificate No. A 81287** Respondent.	Case No. 800-2017-030764 OAH No. 2020100525 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER FOR PUBLIC REPRIMAND**

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). This action was brought and maintained in the official capacity of the Board's Executive Director, who is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Caitlin Ross, Deputy Attorney General.

2. Respondent Roy Quinones, M.D. (Respondent) is represented in this proceeding by attorney Charles Bond, Physicians' Advocates, a d.b.a. of Health Juris, Inc., A Professional Corporation, 2033 N. Main Street, Suite 340, Walnut Creek, CA 94596.

3. On December 4, 2002, the Board issued Physician's and Surgeon's Certificate No. A 81287 to Roy Quinones, M.D. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2017-030764, and will expire on December 31, 2022, unless renewed.

JURISDICTION

4. Accusation No. 800-2017-030764 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 November 28, 2018. Respondent filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2017-030764 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. 800-2017-030764. Respondent has also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order for Public Reprimand.

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. 800-2017-030764, 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. 800-2017-030764, 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. A81287 to disciplinary action. Respondent hereby gives up his right to contest those charges.

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 settlement, 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 Settlement and Disciplinary Order for Public Reprimand 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.

13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order for Public Reprimand, 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

A. PUBLIC REPRIMAND

IT IS HEREBY ORDERED that the Respondent, Roy Quinones, M.D., Physician's and Surgeon's Certificate No. A 81287, shall be and hereby is publicly reprimanded pursuant to California Business and Professions Code, section 2227, subdivision (a)(4). This Public Reprimand, which is issued in connection with Respondent's conduct as set forth in Accusation No. 800-2017-030764, is as follows: You demonstrated unprofessional conduct through your repeated negligent acts in the treatment of Patient P-1 and by failing to maintain adequate patient medical records, pursuant to Business and Professions Code section 2234, subdivision (c) and section 2266. Consequently, the Board issues this Public Reprimand.

B. IT IS FURTHER ORDERED:

MEDICAL RECORD KEEPING COURSE

Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in medical record keeping approved in advance by the Board or its designee. Respondent shall provide the approved course provider with any information and documents that the approved course provider may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The medical record keeping course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A medical record keeping course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Board or its designee had the course been taken after the effective date of

this Decision.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the course, or not later than 15 calendar days after the effective date of the Decision, whichever is later.

Failure to enroll in and complete the course within the specified time shall constitute unprofessional conduct and grounds for further disciplinary action.

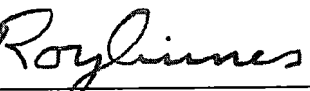
FUTURE ADMISSIONS CLAUSE

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 action agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2017-030764 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 license.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order for Public Reprimand and have fully discussed it with my attorney, Charles Bond. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order for Public Reprimand voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 2021-01-07



ROY QUINONES, M.D.
Respondent

I have read and fully discussed with Respondent Roy Quinones, M.D. the terms and

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conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 1/7/21

Charles Bond
Attorney for Respondent

ENDORSEMENT

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

DATED: 1-7-21

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General

CAITLIN ROSS
Deputy Attorney General
Attorneys for Complainant

SF2018201333 / 42499293.docx

Exhibit A

Accusation No. 800-2017-030764

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO NOV 28 2018
BY D. Richards ANALYST

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

In the Matter of the Accusation Against:	Case No. 800-2017-030764
Roy Quinones, M.D. **660 4th Street, Ste. 150** **San Francisco, CA 94107-1618** **Physician's and Surgeon's Certificate No. A 81287,** Respondent.	**A C C U S A T I O N**

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On December 4, 2002, the Medical Board issued Physician's and Surgeon's Certificate Number A 81287 to Roy Quinones, 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 December 31, 2018, 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 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.

.....

"(c) Repeated negligent acts. . . . .

" . . . ."

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."

FACTS

7. At all times relevant to this matter, Respondent was licensed and practicing medicine in California.

PATIENT P-1[1]

8. Respondent treated Patient P-1 from approximately July of 2011 until his death on June 24, 2013, at the age of 48. He had been diagnosed with, among other things, chronic low

[1] The patient is designated in this document as Patient P-1 to protect his and his family's privacy. Respondent knows the name of the patient and can confirm his identity through discovery.

back pain, a laminectomy, bilateral foot drop due to compressive neuropathy, hepatitis C, extrinsic asthma, and alcohol abuse, episodic before seeing Respondent.

9. In the eight visits for which there are medical records, there is documentation of only one relatively complete examination of P-1's back, on February 27, 2013. Typically, Respondent's assessment of P-1's back was simply, "No CVA tenderness."

10. Between August 2011 and June 2013, Respondent prescribed escalating amounts of both hydrocodone with acetaminophen[2] and oxycodone[3] to treat P-1's chronic pain. The chart notes for P-1 do not reflect that Respondent described the risks and benefits of opioid medications, including, despite P-1's history of alcohol abuse, the risk of drinking alcohol while taking opioid medications, or that he obtained informed consent for the opioid treatment from P-1. The morphine milligram equivalency[4] (MME) of the opioids Respondent prescribed for P-1 increased over the time he treated him from an average of approximately 106 MME daily the last half of 2011 to 223 MME the first half of 2012, 250 MME the second half of 2012, and 267 the first half of 2013. Despite these escalating doses of opioids and P-1's significant liver disease—as reflected by his diagnosis of hepatitis C and elevated liver enzymes—Respondent did not refer P-1 for alternative pain treatments or to a pain specialist.

11. On January 8, 2013, Respondent's chart notes for P-1 added an assessment of depression with anxiety. Respondent prescribed 1 mg clonazepam[5] tablets for P-1 to be taken twice a day. The chart notes do not reflect that Respondent described to P-1 the various risks of

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[2] Hydrocodone bitartrate w/APAP (hydrocodone with acetaminophen) is also known by the trade names Norco and Vicodin, among others. Hydrocodone bitartrate is a semisynthetic narcotic analgesic and a dangerous drug as defined in section 4022 and, since October 2014, a Schedule II controlled substance. Before that, it was classified as a Schedule III controlled substance. Hydrocodone bitartrate is a nervous system depressant.

[3] Oxycodone IR (a trade name for immediate release oxycodone hydrochloride) is a short-acting opioid analgesic. It is a dangerous drug as defined in section 4022 and a Schedule II controlled substance and narcotic. It is a more potent pain reliever than morphine or hydrocodone.

[4] Morphine milligram equivalency (MME) is a method used to convert the many different opioids into one standard value based on morphine and its potency. Oxycodone, for example, is 1.5 times as potent as morphine so 60 mg of oxycodone is equivalent to 90 MME. Hydrocodone is equally potent as morphine so 60 mg of hydrocodone equals 60 MME.

[5] Clonazepam (trade name Klonopin) is an anticonvulsant of the benzodiazepine class of drugs. It is a long-acting benzodiazepine. It is a dangerous drug as defined in section 4022 and a Schedule IV controlled substance. It produces central nervous system depression and should be used with caution with other central nervous system depressant drugs.

taking a benzodiazepine medication, including the risk of combining it with other respiratory depressants such as opioid medications or alcohol, or that he obtained informed consent for the treatment from P-1. On January 16, 2013, Respondent increased P-1's clonazepam dosage to 2 mg tablets to be taken three times a day.

12. Although Respondent assessed P-1 with depression with anxiety on each successive visit, he did not prescribe an anti-depressant for P-1, did not document having considered or discussed the possibility of prescribing an anti-depressant for him, and did not document having referred him to a psychiatrist. Respondent continued prescribing clonazepam for the condition.

CAUSE FOR DISCIPLINE

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

13. Respondent is guilty of unprofessional conduct and subject to disciplinary action under sections 2234, subdivision (c) (repeated negligent acts), and/or 2266 (inadequate records) of the Code in that Respondent has engaged in the acts described above, including, but not limited to, the following:

A. Respondent failed to document having advised P-1 of the potential risks of using a benzodiazepine while also taking other respiratory depressants such as opioid medications or alcohol, particularly in light of the escalating doses of opioids he was taking.

B. Respondent failed to document having warned P-1 about the dangers of drinking alcohol while taking the respiratory depressants oxycodone, hydrocodone, and clonazepam and with a diagnosis of hepatitis C and elevated liver enzymes.

C. Respondent failed to document having referred P-1 to a pain specialist or for alternative treatment despite prescribing escalating amounts of opioid medications for him and despite his significant liver disease.

D. Respondent failed to prescribe or document having considered prescribing anti-depressant medications to P-1 for his depression or to refer him to a psychiatrist for assessment and/or treatment of his depression.

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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 Respondent's Physician's and Surgeon's Certificate Number A 81287;

2. Revoking, suspending or denying approval of Respondent's authority to supervise physician assistants and advanced practice nurses;

3. Ordering Respondent, 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: November 28, 2018

KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant