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

In the Matter of the Accusation Against: David Reese Rummell, M.D. Physician's and Surgeon's Certificate No. G34248 Respondent	Case No. 800-2019-060856

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

April 22, 2021.

IT IS SO ORDERED March 23, 2021.

MEDICAL BOARD OF CALIFORNIA

By: _____
William Prasifka
Executive Director

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
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BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **DAVID REESE RUMMELL, M.D.** 7128 Anjou Creek Circle San Jose, CA 95120 Physician's and Surgeon's Certificate No. G34248 Respondent.	Case No. 800-2019-060856 **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. David Reese Rummell, M.D. (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

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3. On June 20, 1977, the Board issued Physician's and Surgeon's Certificate No. G34248 to David Reese Rummell, 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. 800-2019-060856 and will expire on April 30, 2022, unless renewed.

JURISDICTION

4. Accusation No. 800-2019-060856 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 25, 2020. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2019-060856 is attached as Exhibit A.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 800-2019-060856. Respondent also has carefully read, 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 be represented by counsel, at his own expense; 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 Accusation No. 800-2019-060856, 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 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 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. 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. G34248, issued to Respondent David Reese Rummell, 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. 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 Accusation No. 800-2019-060856 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 Accusation, No. 800-2019-060856 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 Stipulated Surrender of License and Order. 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: 3/10/21

DAVID REESE RUMMELL, M.D.
Respondent

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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: 3/11/2021

Respectfully submitted,

XAVIER BECERRA
Attorney General of California

Jane Zack Simon

JANE ZACK SIMON
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2019-060856

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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: **David Reese Rummell, M.D.** 7128 Anjou Creek Circle San Jose, CA 95120 Physician's and Surgeon's Certificate No. G34248, Respondent.	Case No. 800-2019-060856 **ACCUSATION**

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 June 20, 1977, the Medical Board issued Physician's and Surgeon's Certificate Number G34248 to David Reese Rummell, 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 April 30, 2022, 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 provides, in pertinent part, that the Board shall take action against any licensee who is charged with unprofessional conduct. Unprofessional conduct includes, but is not limited to:

(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.

(d) Incompetence.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence/Repeated Negligent Acts/Incompetence)

6. Respondent is an anesthesiologist who, for many years, practiced at a hospital. In September 2019, an anesthesia technician notified one of the staff anesthesiologists that Respondent had a practice of using the same syringe for multiple patients. The staff anesthesiologist took steps to verify the accuracy of the report, then notified hospital medical staff administration. An investigation ensued.

7. During initial interviews with the hospital's quality assurance team, Respondent acknowledged that it had been his practice of many years to use the same syringe on more than one patient. Respondent explained that he reused syringes to avoid waste and expense, and to save time between surgeries. Respondent stated that he changed the needle on the syringe for each patient, but used the same syringe. Respondent posited that the valve system on the intravenous (IV) lines, location of the medication injection point and use of alcohol swabs rendered his practice safe. Several days later, however, Respondent requested a meeting with the hospital investigators. He recanted his earlier admissions, stating that after thinking it over, he

denied it was his usual practice to reuse syringes. Respondent ultimately resigned from his position with the hospital.

8. Respondent was interviewed by the Medical Board's investigators in May 2020. He acknowledged his decades-long practice of reusing syringes on different patients. He reiterated his belief that this practice was acceptable, and recounted that it avoided waste and saved money and time. Respondent stated that he was not aware of any infection transmission resulting from his syringe reuse, a conclusion he based on his practice of following his patients for 24 hours post-operatively via email. When asked about statements made during the hospital inquiry indicating syringe reuse was not his practice, Respondent stated that he was counseled to "muddy the waters" by denying the misconduct.

9. Respondent reused syringes over a period of many years. He continued this practice despite the fact that the hospital where he practiced had a written procedure, initiated in April 2004 and revised as recently as November 2016, clearly stating that medication from the same syringe cannot be administered to multiple patients even if the needle or cannula on the syringe is changed, and despite the common knowledge and understanding among anesthesiologists that this practice was inappropriate, posed a real risk of infection, and was far outside the standard of care.

10. Respondent is subject to disciplinary action under section 2234 and/or 2234(b) and/or 2234(c) and/or 2234(d) in that he engaged in unprofessional conduct and/or was grossly negligent and/or committed repeated acts of negligence and/or demonstrated incompetence by virtue of the following:

A. Respondent used the same syringe on more than one patient, thereby exposing patients to an increased risk of infection.

B. Respondent reused syringes on more than one patient despite clear written procedures and well-publicized and well-known standards prohibiting such practice.

C. Respondent demonstrated a lack of knowledge in his belief that bloodborne pathogens from one patient cannot be transmitted to another patient by syringe reuse, even when done with a change of needles, injection to a distal port and use of valved IV tubing. Respondent

also demonstrated a lack of knowledge in his presumption that all infectious processes would reveal themselves within 24 hours of exposure.

D. Respondent made deliberate misrepresentations to the hospital committee investigating his misconduct, for the purpose of benefitting himself, thereby risking compromise of a process designed to promote patient safety.

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 G34248, issued to David Reese Rummell, M.D.;

2. Revoking, suspending or denying approval of David Reese Rummell, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering David Reese Rummell, 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: NOV 25 2020

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

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