

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

In the Matter of the Accusation
Against:

Lizette Espana, M.D.

Physician's and Surgeon's
License No. A81616

Respondent

Case No. 800-2019-060319

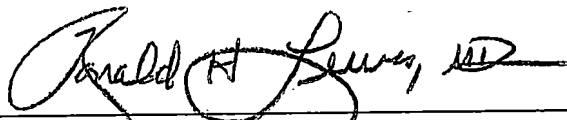
DECISION

The attached Stipulated Settlement and Disciplinary 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 30, 2021.

IT IS SO ORDERED: April 1, 2021.

MEDICAL BOARD OF CALIFORNIA



Ronald H. Lewis, M.D., Chair
Panel A

1 XAVIER BECERRA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
3 CAROLYNE EVANS
Deputy Attorney General
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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. 800-2019-060319

13 **LIZETTE ESPANA, M.D.**
14 **240 Shotwell Street, San Francisco, CA**
94110-1323

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15
16 **Physician's and Surgeon's Certificate No.**
17 **A 81616**

18 Respondent.
19

20
21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
22 entitled proceedings that the following matters are true:

23 **PARTIES**

24 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
25 California (Board). He brought this action solely in his official capacity and is represented in this
26 matter by Xavier Becerra, Attorney General of the State of California, by Carlyne Evans,
27 Deputy Attorney General.
28

1 2. Respondent Lizette Espana, M.D. (Respondent) is represented in this proceeding by
2 attorney Gregory Abrams, whose address is: 6045 Shirley Drive, Oakland, CA 94611.

3 3. On or about January 8, 2003, the Board issued Physician's and Surgeon's Certificate
4 No. A 81616 to Respondent. The Physician's and Surgeon's Certificate was in full force and
5 effect at all times relevant to the charges brought in Accusation No. 800-2019-060319, and will
6 expire on May 31, 2022, unless renewed.

7 **JURISDICTION**

8 4. Accusation No. 800-2019-060319 was filed before the Board, and is currently
9 pending against Respondent. The Accusation and all other statutorily required documents were
10 properly served on Respondent on January 22, 2021. Respondent timely filed her Notice of
11 Defense contesting the Accusation.

12 5. A copy of Accusation No. 800-2019-060319 is attached as exhibit A and incorporated
13 herein by reference.

14 **ADVISEMENT AND WAIVERS**

15 6. Respondent has carefully read, fully discussed with counsel, and understands the
16 charges and allegations in Accusation No. 800-2019-060319. Respondent has also carefully read,
17 fully discussed with her counsel, and understands the effects of this Stipulated Settlement and
18 Disciplinary Order.

19 7. Respondent is fully aware of her legal rights in this matter, including the right to a
20 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
21 the witnesses against her; the right to present evidence and to testify on her own behalf; the right
22 to the issuance of subpoenas to compel the attendance of witnesses and the production of
23 documents; the right to reconsideration and court review of an adverse decision; and all other
24 rights accorded by the California Administrative Procedure Act and other applicable laws.

25 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
26 every right set forth above.

27 ///

28 ///

CULPABILITY

1
2 9. Respondent understands and agrees that the charges and allegations in Accusation
3 No. 800-2019-060319, if proven at a hearing, constitute cause for imposing discipline upon her
4 Physician's and Surgeon's Certificate.

5 10. Respondent does not contest that, at an administrative hearing, Complainant could
6 establish a prima facie case with respect to the charges and allegations in Accusation No. 800-
7 2019-060319, a true and correct copy of which is attached hereto as Exhibit A, and that she has
8 thereby subjected her Physician's and Surgeon's Certificate, No. A 81616 to disciplinary action

9 11. Respondent agrees that her Physician's and Surgeon's Certificate is subject to
10 discipline and she agrees to be bound by the Board's probationary terms as set forth in the
11 Disciplinary Order below.

12 12. This stipulation shall be subject to approval by the Medical Board of California.
13 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
14 Board of California may communicate directly with the Board regarding this stipulation and
15 settlement, without notice to or participation by Respondent or her counsel. By signing the
16 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek
17 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
18 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
19 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
20 action between the parties, and the Board shall not be disqualified from further action by having
21 considered this matter.

22 13. Respondent agrees that if she ever petitions for early termination or modification of
23 probation, or if an accusation and/or petition to revoke probation is filed against her before the
24 Board, all of the charges and allegations contained in Accusation No. 800-2019-060319 shall be
25 deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any
26 other licensing proceeding involving Respondent in the State of California.

1 14. The parties understand and agree that Portable Document Format (PDF) and facsimile
2 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
3 signatures thereto, shall have the same force and effect as the originals.

4 15. In consideration of the foregoing admissions and stipulations, the parties agree that
5 the Board may, without further notice or opportunity to be heard by the Respondent, issue and
6 enter the following Disciplinary Order:

7 **DISCIPLINARY ORDER**

8 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 81616 issued
9 to Respondent LIZETTE ESPANA, M.D. is revoked. However, the revocation is stayed and
10 Respondent is placed on probation for five (5) years on the following terms and conditions:

11 1. CLINICAL DIAGNOSTIC EVALUATIONS AND REPORTS: Respondent has
12 undergone a Clinical Diagnostic Evaluation, and will not be required to undergo another complete
13 Clinical Diagnostic at this time. However, at the Board's discretion, and on whatever periodic
14 basis that may be required by the Board or its designee, Respondent shall undergo and complete a
15 psychiatric and/or substance abuse evaluation (and psychological testing, if deemed necessary) by
16 a Board-appointed evaluator, who shall consider any information provided by the Board or its
17 designee and any other information the evaluator deems relevant, and shall furnish a written
18 evaluation report to the Board or its designee. Respondent shall cooperate fully with any
19 evaluation, and shall pay the cost of all psychiatric evaluations and psychological testing.
20 Respondent shall comply with all restrictions or conditions recommended by the evaluator within
21 15 calendar days after being notified by the Board or its designee.

22 2. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall abstain
23 completely from the personal use or possession of controlled substances as defined in the
24 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and
25 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not
26 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide
27 illness or condition.

28 Within 15 calendar days of receiving any lawfully prescribed medications, Respondent

1 shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone
2 number; medication name, strength, and quantity; and issuing pharmacy name, address, and
3 telephone number.

4 3. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the
5 use of products or beverages containing alcohol.

6 4. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this Decision,
7 Respondent shall submit to the Board or its designee for prior approval the name and
8 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who
9 has a doctoral degree in psychology and at least five years of postgraduate experience in the
10 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall
11 undergo and continue psychotherapy treatment, including any modifications to the frequency of
12 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

13 The psychotherapist shall consider any information provided by the Board or its designee
14 and any other information the psychotherapist deems relevant and shall furnish a written
15 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
16 psychotherapist with any information and documents that the psychotherapist may deem
17 pertinent.

18 Respondent shall have the treating psychotherapist submit quarterly status reports to the
19 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric
20 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of
21 probation, Respondent is found to be mentally unfit to resume the practice of medicine without
22 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the
23 period of probation shall be extended until the Board determines that Respondent is mentally fit
24 to resume the practice of medicine without restrictions.

25 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

26 5. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the
27 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice
28 where: 1) Respondent merely shares office space with another physician but is not affiliated for

1 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that
2 location.

3 If Respondent fails to establish a practice with another physician or secure employment in
4 an appropriate practice setting within 60 calendar days of the effective date of this Decision,
5 Respondent shall receive a notification from the Board or its designee to cease the practice of
6 medicine within three (3) calendar days after being so notified. The Respondent shall not resume
7 practice until an appropriate practice setting is established.

8 If, during the course of the probation, the Respondent's practice setting changes and the
9 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent
10 shall notify the Board or its designee within five (5) calendar days of the practice setting change.
11 If Respondent fails to establish a practice with another physician or secure employment in an
12 appropriate practice setting within 60 calendar days of the practice setting change, Respondent
13 shall receive a notification from the Board or its designee to cease the practice of medicine within
14 three (3) calendar days after being so notified. The Respondent shall not resume practice until an
15 appropriate practice setting is established.

16 6. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)
17 days of the effective date of this Decision, Respondent shall provide to the Board the names,
18 physical addresses, mailing addresses, and telephone numbers of any and all employers and
19 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's
20 worksite monitor, and Respondent's employers and supervisors to communicate regarding
21 Respondent's work status, performance, and monitoring.

22 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or
23 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff
24 privileges.

25 7. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
26 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
27 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
28 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall

1 make daily contact with the Board or its designee to determine whether biological fluid testing is
2 required. Respondent shall be tested on the date of the notification as directed by the Board or its
3 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at
4 any time, including weekends and holidays. Except when testing on a specific date as ordered by
5 the Board or its designee, the scheduling of biological fluid testing shall be done on a random
6 basis. The cost of biological fluid testing shall be borne by the Respondent.

7 During the first year of probation, Respondent shall be subject to 52 to 104 random tests.
8 During the second year of probation and for the duration of the probationary term, up to five (5)
9 years, Respondent shall be subject to 36 to 104 random tests per year. Only if there has been no
10 positive biological fluid tests in the previous five (5) consecutive years of probation, may testing
11 be reduced to one (1) time per month. Nothing precludes the Board from increasing the number
12 of random tests to the first-year level of frequency for any reason.

13 Prior to practicing medicine, Respondent shall contract with a laboratory or service,
14 approved in advance by the Board or its designee, that will conduct random, unannounced,
15 observed, biological fluid testing and meets all of the following standards:

16 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry
17 Association or have completed the training required to serve as a collector for the United
18 States Department of Transportation.

19 (b) Its specimen collectors conform to the current United States Department of
20 Transportation Specimen Collection Guidelines.

21 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published
22 by the United States Department of Transportation without regard to the type of test
23 administered.

24 (d) Its specimen collectors observe the collection of testing specimens.

25 (e) Its laboratories are certified and accredited by the United States Department of Health
26 and Human Services.

27 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day
28 of receipt and all specimens collected shall be handled pursuant to chain of custody

1 procedures. The laboratory shall process and analyze the specimens and provide legally
2 defensible test results to the Board within seven (7) business days of receipt of the
3 specimen. The Board will be notified of non-negative results within one (1) business day
4 and will be notified of negative test results within seven (7) business days.

5 (g) Its testing locations possess all the materials, equipment, and technical expertise
6 necessary in order to test Respondent on any day of the week.

7 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens
8 for the detection of alcohol and illegal and controlled substances.

9 (i) It maintains testing sites located throughout California.

10 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line
11 computer database that allows the Respondent to check in daily for testing.

12 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff
13 access to drug test results and compliance reporting information that is available 24 hours a
14 day.

15 (l) It employs or contracts with toxicologists that are licensed physicians and have
16 knowledge of substance abuse disorders and the appropriate medical training to interpret
17 and evaluate laboratory biological fluid test results, medical histories, and any other
18 information relevant to biomedical information.

19 (m) It will not consider a toxicology screen to be negative if a positive result is obtained
20 while practicing, even if the Respondent holds a valid prescription for the substance.

21 Prior to changing testing locations for any reason, including during vacation or other travel,
22 alternative testing locations must be approved by the Board and meet the requirements above.

23 The contract shall require that the laboratory directly notify the Board or its designee of
24 non-negative results within one (1) business day and negative test results within seven (7)
25 business days of the results becoming available. Respondent shall maintain this laboratory or
26 service contract during the period of probation.

27 A certified copy of any laboratory test result may be received in evidence in any
28 proceedings between the Board and Respondent.

1 If a biological fluid test result indicates Respondent has used, consumed, ingested, or
2 administered to herself a prohibited substance, the Board shall order Respondent to cease practice
3 and instruct Respondent to leave any place of work where Respondent is practicing medicine or
4 providing medical services. The Board shall immediately notify all of Respondent's employers,
5 supervisors and work monitors, if any, that Respondent may not practice medicine or provide
6 medical services while the cease-practice order is in effect.

7 A biological fluid test will not be considered negative if a positive result is obtained while
8 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited
9 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

10 After the issuance of a cease-practice order, the Board shall determine whether the positive
11 biological fluid test is in fact evidence of prohibited substance use by consulting with the
12 specimen collector and the laboratory, communicating with the licensee, her treating physician(s),
13 other health care provider, or group facilitator, as applicable.

14 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the
15 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

16 For purposes of this condition, the term "prohibited substance" means an illegal drug, a
17 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by
18 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been
19 instructed by the Board not to use, consume, ingest, or administer to herself.

20 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited
21 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the
22 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to
23 any other terms or conditions the Board determines are necessary for public protection or to
24 enhance Respondent's rehabilitation.

25 8. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days of
26 the effective date of this Decision, Respondent shall submit to the Board or its designee, for its
27 prior approval, the name of a substance abuse support group which she shall attend for the
28 duration of probation. Respondent shall attend substance abuse support group meetings at least

1 once per week, or as ordered by the Board or its designee. Respondent shall pay all substance
2 abuse support group meeting costs.

3 The facilitator of the substance abuse support group meeting shall have a minimum of three
4 (3) years' experience in the treatment and rehabilitation of substance abuse, and shall be licensed
5 or certified by the state or nationally certified organizations. The facilitator shall not have a
6 current or former financial, personal, or business relationship with Respondent within the last five
7 (5) years. Respondent's previous participation in a substance abuse group support meeting led by
8 the same facilitator does not constitute a prohibited current or former financial, personal, or
9 business relationship.

10 The facilitator shall provide a signed document to the Board or its designee showing
11 Respondent's name, the group name, the date and location of the meeting, Respondent's
12 attendance, and Respondent's level of participation and progress. The facilitator shall report any
13 unexcused absence by Respondent from any substance abuse support group meeting to the Board,
14 or its designee, within twenty-four (24) hours of the unexcused absence.

15 9. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within thirty
16 (30) calendar days of the effective date of this Decision, Respondent shall submit to the Board or
17 its designee for prior approval as a worksite monitor, the name and qualifications of one or more
18 licensed physician and surgeon, other licensed health care professional if no physician and
19 surgeon is available, or, as approved by the Board or its designee, a person in a position of
20 authority who is capable of monitoring the Respondent at work.

21 The worksite monitor shall not have a current or former financial, personal, or familial
22 relationship with Respondent, or any other relationship that could reasonably be expected to
23 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its
24 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite
25 monitor, this requirement may be waived by the Board or its designee, however, under no
26 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

27 The worksite monitor shall have an active unrestricted license with no disciplinary action
28 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms

1 and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth
2 by the Board or its designee.

3 Respondent shall pay all worksite monitoring costs.

4 The worksite monitor shall have face-to-face contact with Respondent in the work
5 environment on as frequent a basis as determined by the Board or its designee, but not less than
6 once per week; interview other staff in the office regarding Respondent's behavior, if requested
7 by the Board or its designee; and review Respondent's work attendance.

8 The worksite monitor shall verbally report any suspected substance abuse to the Board and
9 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected
10 substance abuse does not occur during the Board's normal business hours, the verbal report shall
11 be made to the Board or its designee within one (1) hour of the next business day. A written
12 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and
13 any other information deemed important by the worksite monitor shall be submitted to the Board
14 or its designee within 48 hours of the occurrence.

15 The worksite monitor shall complete and submit a written report monthly or as directed by
16 the Board or its designee which shall include the following: (1) Respondent's name and
17 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)
18 the worksite monitor's license number, if applicable; (4) the location or location(s) of the
19 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the
20 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;
21 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can
22 lead to suspected substance abuse by Respondent. Respondent shall complete any required
23 consent forms and execute agreements with the approved worksite monitor and the Board, or its
24 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

25 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)
26 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior
27 approval, the name and qualifications of a replacement monitor who will be assuming that
28 responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a

1 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the
2 monitor, Respondent shall receive a notification from the Board or its designee to cease the
3 practice of medicine within three (3) calendar days after being so notified. Respondent shall
4 cease the practice of medicine until a replacement monitor is approved and assumes monitoring
5 responsibility.

6 10. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING
7 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of
8 probation.

9 A. If Respondent commits a major violation of probation as defined by section
10 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
11 one or more of the following actions:

12 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical
13 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
14 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice
15 order issued by the Board or its designee shall state that Respondent must test negative for at least
16 a month of continuous biological fluid testing before being allowed to resume practice. For
17 purposes of determining the length of time a Respondent must test negative while undergoing
18 continuous biological fluid testing following issuance of a cease-practice order, a month is
19 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until
20 notified in writing by the Board or its designee that he or she may do so.

21 (2) Increase the frequency of biological fluid testing.

22 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or
23 other action as determined by the Board or its designee.

24 B. If Respondent commits a minor violation of probation as defined by section
25 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
26 one or more of the following actions:

27 (1) Issue a cease-practice order;

28 (2) Order practice limitations;

- 1 (3) Order or increase supervision of Respondent;
2 (4) Order increased documentation;
3 (5) Issue a citation and fine, or a warning letter;
4 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in
5 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of
6 Regulations, at Respondent's expense;
7 (7) Take any other action as determined by the Board or its designee.

8 C. Nothing in this Decision shall be considered a limitation on the Board's authority
9 to revoke Respondent's probation if she has violated any term or condition of probation. If
10 Respondent violates probation in any respect, the Board, after giving Respondent notice and the
11 opportunity to be heard, may revoke probation and carry out the disciplinary order that was
12 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed
13 against Respondent during probation, the Board shall have continuing jurisdiction until the matter
14 is final, and the period of probation shall be extended until the matter is final.

15 11. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
16 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
17 Chief Executive Officer at every hospital where privileges or membership are extended to
18 Respondent, at any other facility where Respondent engages in the practice of medicine,
19 including all physician and locum tenens registries or other similar agencies, and to the Chief
20 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
21 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
22 calendar days.

23 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

24 12. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
25 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
26 advanced practice nurses.

27 13. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
28 governing the practice of medicine in California and remain in full compliance with any court

1 ordered criminal probation, payments, and other orders.

2 14. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
3 under penalty of perjury on forms provided by the Board, stating whether there has been
4 compliance with all the conditions of probation.

5 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
6 of the preceding quarter.

7 15. GENERAL PROBATION REQUIREMENTS.

8 Compliance with Probation Unit

9 Respondent shall comply with the Board's probation unit.

10 Address Changes

11 Respondent shall, at all times, keep the Board informed of Respondent's business and
12 residence addresses, email address (if available), and telephone number. Changes of such
13 addresses shall be immediately communicated in writing to the Board or its designee. Under no
14 circumstances shall a post office box serve as an address of record, except as allowed by Business
15 and Professions Code section 2021, subdivision (b).

16 Place of Practice

17 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
18 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
19 facility.

20 License Renewal

21 Respondent shall maintain a current and renewed California physician's and surgeon's
22 license.

23 Travel or Residence Outside California

24 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
25 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
26 (30) calendar days.

27 In the event Respondent should leave the State of California to reside or to practice,
28 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of

1 departure and return.

2 16. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
3 available in person upon request for interviews either at Respondent's place of business or at the
4 probation unit office, with or without prior notice throughout the term of probation.

5 17. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
6 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
7 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
8 defined as any period of time Respondent is not practicing medicine as defined in Business and
9 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
10 patient care, clinical activity or teaching, or other activity as approved by the Board. If
11 Respondent resides in California and is considered to be in non-practice, Respondent shall
12 comply with all terms and conditions of probation. All time spent in an intensive training
13 program which has been approved by the Board or its designee shall not be considered non-
14 practice and does not relieve Respondent from complying with all the terms and conditions of
15 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
16 on probation with the medical licensing authority of that state or jurisdiction shall not be
17 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
18 period of non-practice.

19 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
20 months, Respondent shall successfully complete the Federation of State Medical Boards' Special
21 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
22 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model
23 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

24 Respondent's period of non-practice while on probation shall not exceed two (2) years.

25 Periods of non-practice will not apply to the reduction of the probationary term.

26 Periods of non-practice for a Respondent residing outside of California will relieve
27 Respondent of the responsibility to comply with the probationary terms and conditions with the
28 exception of this condition and the following terms and conditions of probation: Obey All Laws;

1 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
2 Controlled Substances; and Biological Fluid Testing.

3 18. COMPLETION OF PROBATION. Respondent shall comply with all financial
4 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
5 completion of probation. Upon successful completion of probation, Respondent's certificate shall
6 be fully restored.

7 19. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
8 of probation is a violation of probation. If Respondent violates probation in any respect, the
9 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
10 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke
11 Probation, or an Interim Suspension Order is filed against Respondent during probation, the
12 Board shall have continuing jurisdiction until the matter is final, and the period of probation shall
13 be extended until the matter is final.

14 20. LICENSE SURRENDER. Following the effective date of this Decision, if
15 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
16 the terms and conditions of probation, Respondent may request to surrender her license. The
17 Board reserves the right to evaluate Respondent's request and to exercise its discretion in
18 determining whether or not to grant the request, or to take any other action deemed appropriate
19 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
20 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
21 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
22 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
23 application shall be treated as a petition for reinstatement of a revoked certificate.

24 21. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
25 with probation monitoring each and every year of probation, as designated by the Board, which
26 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
27 California and delivered to the Board or its designee no later than January 31 of each calendar
28 year.

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ENDORSEMENT

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

DATED: February 19, 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

Exhibit A

Accusation No. 800-2019-060319

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Supervising Deputy Attorney General
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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. 800-2019-060319

13 **Lizette Espana, M.D.**
14 **240 Shotwell Street, San Francisco, CA**
94110-1323

ACCUSATION

15 **Physician's and Surgeon's Certificate**
16 **No. A 81616,**

17 Respondent.

18
19
20 **PARTIES**

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

24 2. On or about January 8, 2003, the Medical Board issued Physician's and Surgeon's
25 Certificate Number A 81616 to Lizette Espana, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
27 herein and will expire on May 31, 2022, unless renewed.
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JURISDICTION

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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 that the board shall take action against any licensee who is charged with unprofessional conduct.

6. Section 2239 of the Code provides that it is unprofessional conduct for a licensee to use alcohol, dangerous drugs, or controlled substances to the extent or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely.

7. Section 820 of the Code states: "Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822."

8. Section 822 of the Code states:

If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

- (a) Revoking the licentiate's certificate or license.
- (b) Suspending the licentiate's right to practice.

1 (c) Placing the licentiate on probation.

2 (d) Taking such other action in relation to the licentiate as the licensing agency
3 in its discretion deems proper.

4 The licensing section shall not reinstate a revoked or suspended certificate or
5 license until it has received competent evidence of the absence or control of the
6 condition which caused its action and until it is satisfied that with due regard for the
7 public health and safety the person's right to practice his or her profession may be
8 safely reinstated.

9 **CAUSE FOR DISCIPLINE**

10 (Impaired Ability to Safely Practice/Dangerous Use of Alcohol)

11 9. In or around October 2020, a board-certified psychiatrist conducted a psychiatric
12 evaluation of Respondent, with the goal of determining whether Respondent was safe to practice
13 medicine. The Board's psychiatrist concluded that Respondent's practice of medicine was
14 impaired by virtue of Respondent's alcohol use disorder. The psychiatrist opined that
15 Respondent requires Board monitoring, treatment, oversight, and other terms and conditions in
16 order to practice medicine safely.

17 10. Respondent is subject to disciplinary action under Sections 822 and 2227 of the Code
18 in that, due to a mental and/or physical illness, Respondent is unable, and/or impaired in her
19 ability to practice medicine with safety to the public.

20 9. Respondent's Certificate is subject to disciplinary action for unprofessional conduct
21 pursuant to sections 2234 and/or 2239 of the Code, in that she used alcoholic beverages to such
22 an extent or in a manner as to be dangerous to herself, others and the public, or to the extent that
23 such use compromises Respondent's ability to practice medicine safely.

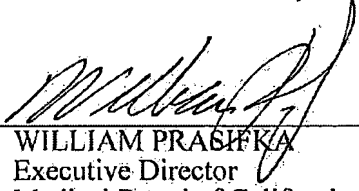
24 **PRAYER**

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

27 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 81616,
28 issued to Lizette Espana, M.D.;

- 1 2. Revoking, suspending or denying approval of Lizette Espana, M.D.'s authority to
- 2 supervise physician assistants and advanced practice nurses;
- 3 3. Ordering Lizette Espana, M.D., if placed on probation, to pay the Board the costs of
- 4 probation monitoring; and
- 5 4. Taking such other and further action as deemed necessary and proper.

6
7 DATED: JAN 22 2021



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

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