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

In the Matter of the First Amended Accusation Against: Paul Lawrence Cisek, M.D. Physician's and Surgeon's Certificate No. G 73470 Respondent.	Case No. 800-2018-043323

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 June 15, 2021.

IT IS SO ORDERED June 8, 2021.

MEDICAL BOARD OF CALIFORNIA

William Prasifka
Executive Director

ROB BONTA
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General
REBECCA L. SMITH
Deputy Attorney General
State Bar No. 179733
California Department of Justice
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 269-6475
Facsimile: (916) 731-2117
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: PAUL LAWRENCE CISEK, M.D. 2334 De La Vina Street, Santa Barbara, CA 93105 Physician's and Surgeon's Certificate No. G 73470, Respondent.	Case No. 800-2018-043323 **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 Rob Bonta, Attorney General of the State of California, by Rebecca L. Smith, Deputy Attorney General.

2. Paul Lawrence Cisek, M.D. (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about February 25, 1992, the Board issued Physician's and Surgeon's Certificate No. G 73470 to Paul Lawrence Cisek, M.D. (Respondent). That license was in full force and effect at all times relevant to the charges brought in First Amended Accusation No. 800-2018-043323 and will expire on August 31, 2021, unless renewed.

JURISDICTION

4. First Amended Accusation No. 800-2018-043323 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 on April 30, 2021. Respondent timely filed his Notice of Defense contesting the First Amended Accusation. A copy of First Amended Accusation No. 800-2018-043323 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in First Amended Accusation No. 800-2018-043323. 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 First Amended 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 admits the truth of each and every charge and allegation in First Amended Accusation No. 800-2018-043323, agrees that cause exists for discipline and hereby surrenders his Physician's and Surgeon's Certificate No. G 73470 for the Board's formal acceptance.

9. 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

10. 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.

11. 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.

12. 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. G 73470, issued to Respondent PAUL LAWRENCE CISEK, 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 vascular surgeon in California as of the effective date of the Board's Decision and Order.

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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 First Amended Accusation No. 800-2018-043323 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. 800-2018-043323 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: 5/12/2021

PAUL LAWRENCE CISEK, 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: May 12, 2021

Respectfully submitted,

ROB BONTA
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General

REBECCA L. SMITH
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 800-2018-043323

ROB BONTA
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General
REBECCA L. SMITH
Deputy Attorney General
State Bar No. 179733
California Department of Justice
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 269-6475
Facsimile: (916) 731-2117
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: **PAUL LAWRENCE CISEK, M.D.** **2334 De La Vina Street** **Santa Barbara, CA 93105-2151** **Physican's and Surgeon's Certificate No. G 73470,** Respondent.	Case No. 800-2018-043323 **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 or about February 25, 1992, the Medical Board issued Physician's and Surgeon's Certificate Number G 73470 to Paul Lawrence Cisek, M.D. (Respondent). That license was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2021, unless renewed.

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3. On April 16, 2021, an Interim Suspension Order was issued by the Office of Administrative Hearings. Pursuant to that Order, Respondent's Physician's and Surgeon's Certificate No. G 73470 is suspended and Respondent is immediately restrained and prohibited from practicing or attempting to practice as a physician and surgeon or doing any act for which licensure by the Board is required in California pending a final Decision by the Board. Respondent was further ordered to immediately deliver to the Board, or its agent, for safekeeping pending a final administrative order of the Board in this matter, all indicia of his licensure as a physician, as contemplated by Business and Professions Code Section 119, including but not limited to his wall certificate and wallet card issued by the Board, as well as all prescription forms, all prescription drugs not legally prescribed to Respondent by his treating physician and surgeon, all Drug Enforcement Administration Drug Order forms, and all Drug Enforcement Administration registrations and permits.

JURISDICTION

4. 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.

5. Section 2004 of the Code states:

> The board shall have the responsibility for the following:
>
> (a) The enforcement of the disciplinary and criminal provisions of the Medical Practice Act.
>
> (b) The administration and hearing of disciplinary actions.
>
> (c) Carrying out disciplinary actions appropriate to findings made by a panel or an administrative law judge.
>
> (d) Suspending, revoking, or otherwise limiting certificates after the conclusion of disciplinary actions.
>
> (e) Reviewing the quality of medical practice carried out by physician and surgeon certificate holders under the jurisdiction of the board.
>
> (f) Approving undergraduate and graduate medical education programs.
>
> (g) Approving clinical clerkship and special programs and hospitals for the programs in subdivision (f).

(h) Issuing licenses and certificates under the board's jurisdiction.

(i) Administering the board's continuing medical education program.

6. Section 2227 of the Code states:

(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

(1) Have his or her license revoked upon order of the board.

(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.

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.

(c) Placing the licentiate on probation.

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

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

9. Section 824 of the Code states:

The licensing agency may proceed against a licentiate under either Section 820, or 822, or under both sections.

10. Section 2234 of the Code, states:

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.

(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

(d) Incompetence.

(e) The commission of any act involving dishonesty or corruption that is substantially related to the qualifications, functions, or duties of a physician and surgeon.

(f) Any action or conduct that would have warranted the denial of a certificate.

(g) The failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.

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11. Subdivision (a) of section 2228.1 of the Code states:

(a) On and after July 1, 2019, except as otherwise provided in subdivision (c), the board shall require a licensee to provide a separate disclosure that includes the licensee's probation status, the length of the probation, the probation end date, all practice restrictions placed on the licensee by the board, the board's telephone number, and an explanation of how the patient can find further information on the licensee's probation on the licensee's profile page on the board's online license information Internet Web site, to a patient or the patient's guardian or health care surrogate before the patient's first visit following the probationary order while the licensee is on probation pursuant to a probationary order made on and after July 1, 2019, in any of the following circumstances:

(1) A final adjudication by the board following an administrative hearing or admitted findings or prima facie showing in a stipulated settlement establishing any of the following:

(A) The commission of any act of sexual abuse, misconduct, or relations with a patient or client as defined in Section 726 or 729.

(B) Drug or alcohol abuse directly resulting in harm to patients or the extent that such use impairs the ability of the licensee to practice safely.

(C) Criminal conviction directly involving harm to patient health.

(D) Inappropriate prescribing resulting in harm to patients and a probationary period of five years or more.

(2) An accusation or statement of issues alleged that the licensee committed any of the acts described in subparagraphs (A) to (D), inclusive, of paragraph (1), and a stipulated settlement based upon a nolo contendre or other similar compromise that does not include any prima facie showing or admission of guilt or fact but does include an express acknowledgment that the disclosure requirements of this section would serve to protect the public interest.

12. Section 2236 of the Code states:

(a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

(b) The district attorney, city attorney, or other prosecuting agency shall notify the Medical Board of the pendency of an action against a licensee charging a felony or misdemeanor immediately upon obtaining information that the defendant is a licensee. The notice shall identify the licensee and describe the crimes charged and the facts alleged. The prosecuting agency shall also notify the clerk of the court in which the action is pending that the defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds a license as a physician and surgeon.

(c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours after the conviction, transmit a certified copy of the record of conviction to the board. The division may inquire into the circumstances surrounding

the commission of a crime in order to fix the degree of discipline or to determine if the conviction is of an offense substantially related to the qualifications, functions, or duties of a physician and surgeon.

(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section and Section 2236.1. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

13. Section 2239 of the Code states:

(a) The use or prescribing for or administering to himself or herself, of any controlled substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, 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 or more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section, or any combination thereof, constitutes unprofessional conduct. The record of the conviction is conclusive evidence of such unprofessional conduct.

(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The Medical Board may order discipline of the licensee in accordance with Section 2227 or the Medical Board may order the denial of the license when the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or indictment.

14. Section 490 of the Code states:

(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. An action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code.

(d) The Legislature hereby finds and declares that the application of this section has been made unclear by the holding in *Petropoulos v. Department of Real Estate* (2006) 142 Cal.App.4th 554, and that the holding in that case has placed a significant number of statutes and regulations in question, resulting in potential harm to the

consumers of California from licensees who have been convicted of crimes. Therefore, the Legislature finds and declares that this section establishes an independent basis for a board to impose discipline upon a licensee, and that the amendments to this section made by Chapter 33 of the Statutes of 2008 do not constitute a change to, but rather are declaratory of, existing law.

15. California Code of Regulations, title 16, section 1360, states:

For the purposes of denial, suspension or revocation of a license, certificate or permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license, certificate or permit under the Medical Practice Act if to a substantial degree it evidences present or potential unfitness of a person holding a license, certificate or permit to perform the functions authorized by the license, certificate or permit in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include but not be limited to the following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision of the Medical Practice Act.

APPLICABLE VEHICLE AND PENAL CODE SECTIONS

16. Vehicle Code section 23152, states:

(a) It is unlawful for a person who is under the influence of any alcoholic beverage to drive a vehicle.

(b) It is unlawful for a person who has 0.08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle.

For purposes of this article and Section 34501.16, percent, by weight, of alcohol in a person's blood is based upon grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

In any prosecution under this subdivision, it is a rebuttable presumption that the person had 0.08 percent or more, by weight, of alcohol in his or her blood at the time of driving the vehicle if the person had 0.08 percent or more, by weight, of alcohol in his or her blood at the time of the performance of a chemical test within three hours after the driving.

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17. Vehicle Code section 20002, states:

(a) The driver of any vehicle involved in an accident resulting only in damage to any property, including vehicles, shall immediately stop the vehicle at the nearest location that will not impede traffic or otherwise jeopardize the safety of other motorists. Moving the vehicle in accordance with this subdivision does not affect the question of fault. The driver shall also immediately do either of the following:

(1) Locate and notify the owner or person in charge of that property of the name and address of the driver and owner of the vehicle involved and, upon locating the driver of any other vehicle involved or the owner or person in charge of any damaged property, upon being requested, present his or her driver's license, and vehicle registration, to the other driver, property owner, or person in charge of that property. The information presented shall include the current residence address of the driver

and of the registered owner. If the registered owner of an involved vehicle is present at the scene, he or she shall also, upon request, present his or her driver's license information, if available, or other valid identification to the other involved parties.

(2) Leave in a conspicuous place on the vehicle or other property damaged a written notice giving the name and address of the driver and of the owner of the vehicle involved and a statement of the circumstances thereof and shall without unnecessary delay notify the police department of the city wherein the collision occurred or, if the collision occurred in unincorporated territory, the local headquarters of the Department of the California Highway Patrol.

. . .

18. Penal Code section 653m, subdivision (b), states:

(b) Every person who, with intent to annoy or harass, makes repeated telephone calls or makes repeated contact by means of an electronic communication device, or makes any combination of calls or contact, to another person is, whether or not conversation ensues from making the telephone call or contact by means of an electronic communication device, guilty of a misdemeanor. Nothing in this subdivision shall apply to telephone calls or electronic contacts made in good faith or during the ordinary course and scope of business.

19. Penal Code section 245, subdivision (a)(4) states:

Any person who commits an assault upon the person of another by any means of force likely to produce great bodily injury shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not exceeding one year, or by a fine not exceeding ten thousand dollars ($10,000), or by both the fine and imprisonment.

FIRST CAUSE FOR DISCIPLINE

(Mental Illness Affecting Competency)

20. Respondent is subject to disciplinary action under section 822 of the Code in that his ability to practice medicine safely is impaired due to mental illness affecting competency. The circumstances are as follows:

21. On April 20, 2018, the Board received a Health Facility/Peer Review Reporting Form pursuant to Business and Professions Code section 805 (805 report) from Santa Barbara Cottage Hospital (hospital). According to the 805 report, Respondent tendered his resignation of his hospital staff privileges on April 5, 2018, while under investigation of allegations that he engaged in repeated unsolicited and unwanted texting with sexual overtones for which he had been summarily suspended on March 28, 2018.

22. The Board initiated an investigation of Respondent based upon the receipt of the 805 report.

23. In response to an Investigative Subpoena Duces Tecum, the hospital produced the documents relative to its peer review of Respondent. The documents noted instances of inappropriate and unprofessional communications by Respondent to female hospital staff and employees in 2001, 2005, and 2016, as well as, unsubstantiated complaints that Respondent was intoxicated and impaired during a surgery, and was allegedly intoxicated while serving as the hospital's on-call vascular surgeon. Respondent met with the hospital's medical executive committee (MEC) regarding the behavior issues and sexual harassment complaints. On October 11, 2016, the hospital MEC issued a Notice of Recommended Corrective Action to Respondent with a mandatory referral to the Medical Staff Well-Being Committee for program recommendations and evaluation.

24. In 2016, Sansum Clinic imposed a requirement that Respondent have a female chaperone present in the examination room whenever Respondent examined a female patient, following a patient complaint that Respondent was inappropriate with her during an examination. The hospital also imposed a similar female chaperone requirement on Respondent that same year.

25. Pursuant to the Medical Staff Well-Being Committee recommendation, Respondent underwent an intensive diagnostic evaluation at Promises Treatment Center in December 2016. During the evaluation, Respondent reported multiple allegations of sexual harassment in the workplace dating back to 2001; a history of a 2-3 month separation from his wife of 26 years in 2013 due to provocative texting to other women; a patient complaint of sexual misconduct at Sansum Clinic; and frequenting prostitutes, massage parlors and strip clubs. Respondent was diagnosed with sexual compulsivity, mild (rule out moderate); alcohol use disorder; and narcissistic and antisocial personality traits. It was noted that Respondent's insight was limited and he was at high risk for relapse without further treatment. It was recommended that Respondent enter and complete an inpatient program addressing sexual compulsive disorders, professional sexual misconduct and alcohol use disorder. Monitoring was also recommended with a monitoring agreement to include abstinence from alcohol or other addictive drugs, group counseling, psychotherapy and a chaperone policy.

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26. Based on the Promises Treatment Center recommendations and at the request of the hospital's Physician Well-Being Committee, Respondent voluntarily entered a 45-day residential inpatient treatment program at The Meadows in Arizona on January 25, 2017. Respondent's admitting diagnoses were sexual compulsivity and moderate alcohol use disorder. Post-traumatic stress disorder and mood disorder were to be ruled out. It was noted that in addition to his primary addiction treatment for his sex and chemical addictions, Respondent may need to continue therapeutic work around maladaptive personality constructs, unresolved family of origin issues, communication skills, counseling around vocational boundaries and ongoing relapse prevention. At discharge, Respondent's prognosis was noted to be guarded. Respondent was discharged from The Meadows on March 9, 2017, with the recommendation that he complete a partial hospital program at Promises Treatment Center and thereafter, begin individual and group therapy with a Certified Sexual Addiction Therapist (CSAT) or clinician with similar training in sex and alcohol addiction treatment.

27. As part of his aftercare plan from The Meadows, and at the request of the Physician Well-Being Committee of Cottage Hospital, on March 30, 2017, Respondent began the outpatient Pacific Assistance Group (PAG) program. The PAG program contract included: weekly professional support groups, 12-step meetings, 12-step sponsor, worksite monitor/chaperone, monthly female patient surveys, sobriety from drug/alcohol, polygraph testing, quarterly reports from healthcare providers, a primary care physician (who is knowledgeable about Respondent's addiction history and mental health history), psychiatric and psychological counseling, zero tolerance, no self-prescribing and avoiding false positive tests.

28. In November 2017, as a result of having urine samples test positive for alcohol metabolites (EtG/Ets), Respondent agreed to stop practicing medicine and undergo a diagnostic evaluation. He returned to the Center for Professional Recovery at Promises Treatment Center from December 11, 2017 to December 13, 2017 for evaluation by Dr. G.S. During the evaluation, Respondent admitted to intentionally consuming alcohol on at least three occasions since signing his PAG contract on March 30, 3017. That admission was only made when he was faced with polygraph testing. Respondent responded "no" to polygraph questions regarding

whether he intentionally consumed alcohol, other than the three admitted occasions, and whether he violated his commitment to abstain from inner circle sexual behaviors. The polygraph findings detected deception in Respondent's responses. Following Dr. G.S.'s evaluation, it was noted that Respondent's alcohol use disorder was not appropriately addressed and treated at The Meadows or Respondent chose to focus primarily on sexually compulsive behaviors while ignoring or downplaying the symptoms of his alcohol use disorder. Dr. G.S. noted that it was evident that Respondent's decision to consume alcohol while practicing medicine as a vascular surgeon was best explained by an under-treated alcohol use disorder. Dr. G.S. recommended that Respondent enter a residential treatment program for alcohol use disorder for a period of 90-days. In addition to the other terms of the 5-year agreement with the PAG program, Dr. G.S. recommended that Respondent refrain from practicing medicine until he successfully completes treatment, agrees to remain in a five-year monitoring agreement and is deemed fit to return to the practice of medicine by the treatment facility and his monitoring agency.

29. On December 30, 2017, Respondent was terminated from the PAG program for noncompliance. It was noted that Respondent broke his agreement by purposefully drinking on at least three occasions. He was drinking "non-alcohol" beer on several occasions, and failed to disclose this to his treatment team. The positive biological tests revealed that he had been dishonest with his treatment team. Respondent was given multiple warnings that he was not in full compliance with his PAG agreement and was given many directives for correcting his deficiencies. As part of his PAG agreement, Respondent had agreed to follow any recommendations for additional treatment if asked to do so. He broke his PAG contract by refusing going into treatment as recommended at the time of the December 2017 evaluation. Respondent stated that he "decided to take time off from medicine." PAG concluded that Respondent was not in any kind of genuine recovery program. Significantly, it was noted that Respondent's "noncompliance places his ability to safely practice medicine, his personal health and his medical license all in very serious jeopardy." [Emphasis added.]

30. On March 8, 2018, a victim made a citizen crime report to the Santa Barbara Police Department against Respondent stating that Respondent had been stalking her and sending her

unwanted and threatening text messages. A warrant was issued for Respondent's arrest for annoying electronic communication in violation of section 653m of the Penal Code. On September 7, 2018, Respondent was arrested for stalking the victim and also harassing her by sending her unwanted text messages.

31. On March 27, 2018, three female resident physicians at the hospital complained that they had received inappropriate text messages from Respondent. The complaints were substantiated by the hospital MEC and Respondent was prohibited from entering the hospital premises.

32. On April 5, 2018, Respondent e-mailed his resignation to the hospital and on April 9, 2018, the hospital accepted Respondent's resignation.

33. In June 2018, the Board requested that Respondent voluntarily submit to a drug and alcohol test. The drug test results were positive for ethyl sulfate and ethylgulcuronide, both direct metabolites of alcohol.

34. On December 1, 2018, Respondent was arrested for driving under the influence of alcohol and assault with a deadly weapon when he attempted to strike a parking enforcement officer with his vehicle. Respondent's blood alcohol content (BAC) was 0.262%.

35. On March 30, 2019, Respondent was arrested for driving under the influence of alcohol, with a BAC of 0.15%, and leaving the scene of an accident where property was damaged.

36. On August 13, 2020, in proceedings entitled *The People of the State of California v. Paul Lawrence Cisek*, case number 19CR00179, in the Santa Barbara County Superior Court, Respondent, upon his plea of no contest, was convicted of driving under the influence of alcohol.

37. On August 13, 2020, in proceedings entitled *The People of the State of California v. Paul Lawrence Cisek*, case number 19CR03665, in the Santa Barbara County Superior Court, Respondent, upon his plea of no contest, was convicted of driving under the influence of alcohol.

38. On August 13, 2020, in proceedings entitled *The People of the State of California v. Paul Lawrence Cisek*, case number 18CR10233, in the Santa Barbara County Superior Court,

Respondent, upon his plea of no contest, was convicted of the crime of making annoying telephone calls, in violation of section 653m, subdivision (b), of the Penal Code, a misdemeanor.

39. On or about September 1, 2020, Respondent voluntarily agreed to undergo a mental evaluation by a Board appointed psychiatrist.

40. On November 30, 2020, Respondent underwent a mental examination by psychiatrist, Dr. T.B. Upon completion of his examination of Respondent, Dr. T.B. concluded that Respondent has mental illnesses that impact his ability to engage in the practice of medicine. Specifically, Respondent meets the diagnostic criteria for severe alcohol use disorder, has sexual problematic behavior and boundary issues. Dr. T.B. is of the opinion that Respondent is unable to practice medicine safely at this time without any restrictions or conditions and Respondent's impairments place the public at risk.

41. In Dr. T.B.'s professional opinion, Respondent's alcohol use disorder is severe based upon his continued use of alcohol despite his commitment to the PAG program that he would abstain; his termination from the PAG program because of his continued use of alcohol; his recurrent problems with hospital staff and physicians, exacerbated by the effects of alcohol; the suspension of his hospital privileges; the resignation of his hospital privileges, while an investigation of his behavior was pending; and, two recent DUI arrests within a three-month period. Further, it is Dr. T.B.'s professional opinion that Respondent's sexual problematic behavior and boundary issues are demonstrated by his history of sexually harassing female hospital employees and female surgical residents by sending inappropriate text messages, making inappropriate phone calls, as well as frequenting prostitutes, massage parlors and strip clubs. These mental disorders can exacerbate each other. Alcohol use disorder worsens the problematic sexual behavior and boundary issues.

42. It is the professional opinion of Dr. T.B. that Respondent's continued practice of medicine poses a significant danger to public health, welfare and safety. Respondent has had significant relapses (i.e., he was terminated from the PAG program due to his alcohol consumption and then with less monitoring, he subsequently had two DUI convictions). In order to practice medicine safely without endangerment to the public, Respondent requires monitoring,

treatment and an oversight plan specifically tailored to address his severe alcohol use disorder, problematic sexual behavior and boundary issues.

43. Respondent's ability to practice medicine safely is impaired due to a mental illness or condition that affects his competency.

SECOND CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crimes)

44. Respondent is subject to disciplinary action under section 2234, subdivision (a), section 2236, subdivision (a), and section 490 of the Code and California Code of Regulations, title 16, section 1360, in that he has been convicted of crimes substantially related to the qualifications, function, or duties of a physician and surgeon. The circumstances are as follows:

45. On December 1, 2018, Respondent was arrested for driving under the influence of alcohol, with a blood alcohol content (BAC) of 0.262%, and assault with a deadly weapon when he attempted to strike a parking enforcement officer with his vehicle.

46. On August 13, 2020, in proceedings entitled *The People of the State of California v. Paul Lawrence Cisek*, case number 19CR00179, in the Santa Barbara County Superior Court, Respondent, upon his plea of no contest, was convicted of driving under the influence of alcohol in violation of section 23152, subdivision (a), of the Vehicle Code, a misdemeanor, and assault with force likely to produce great bodily injury, in violation of section 245, subdivision (a)(4), of the Penal Code, a felony. As part of his plea, Respondent admitted that "[o]n December 1, 2018 in the county of Santa Barbara, I did willfully assault [Parking Enforcement Officer J.B.] with force likely to produce great bodily injury. I also did willfully drive while under the influence at a .22 BAC." On September 17, 2020, Respondent was ordered to serve 180 days in Santa Barbara County Jail. He was granted credit for two actual days' time served plus two good/work time credits for a total of four days. He was also placed on probation for a period of three years under the following terms and conditions:

a. Obey all laws and not associate with criminals;

b. Report in person to the probation officer within 72 hours of sentencing;

c. Follow all orders of the probation officer;

d. Maintain residence approved by probation and keep probation officer advised of place of residence and employment;

e. Seek and maintain regular employment when not a full-time student;

f. Maintain a standard of personal appearance that will not impede obtaining employment;

g. Not own, possess, or have under custody and control, any weapon, including firearms, or any ammunition;

h. Submit person, property and vehicles to search and seizure at any time of day or night by a peace officer or probation officer with or without warrant and with or without cause;

i. Not associate with known illegal drug users or sellers;

j. Submit to standardized tests to determine illegal use of alcohol;

k. Participate in an alcohol/drug treatment screening process and complete an alcohol/drug treatment program as determined by the needs assessment if directed by the probation officer;

l. Do not drink or possess any alcoholic beverages and stay out of places where they are the chief item of sale. Stay out of bars and liquor stores;

m. Do not contact, molest, annoy, threaten, or harass victim J.B.;

n. Enroll in and complete a State-licensed first offender alcohol and drug program of 9 months.

o. Submit to standardized chemical tests if arrested for driving under the influence of alcohol or drugs.

p. Do not drive without a valid California driver's license and insurance;

q. Attend AA 12-step meetings, as directed by the probation officer; and

r. Pay fines, fees and restitution.

47. On March 30, 2019, Respondent was arrested for driving under the influence of alcohol, with a BAC of 0.15%, and leaving the scene of an accident where property was damaged.

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48. On August 13, 2020, in proceedings entitled *The People of the State of California v. Paul Lawrence Cisek*, case number 19CR03665, in the Santa Barbara County Superior Court, Respondent, upon his plea of no contest, was convicted of driving under the influence of alcohol in violation of section 23152, subdivision (a), of the Vehicle Code, a misdemeanor, and leaving the scene of an accident where property was damaged, in violation of section 20002, subdivision (a), of the Vehicle Code, a misdemeanor. On September 17, 2020, Respondent was sentenced to four days in Santa Barbara County Jail and was granted credit for two actual days' time served plus two good/work time credits for a total of four days. Respondent was ordered to pay fines, fees and restitution.

49. On March 8, 2018, a victim made a citizen crime report to the Santa Barbara Police Department against Respondent stating that Respondent had been stalking her and sending her unwanted and threatening text messages. The victim provided Santa Barbara Police Officer Harrison with her phone containing the voluminous text messages from Respondent. A warrant was issued for Respondent's arrest for annoying electronic communication in violation of section 653m of the Penal Code. On September 7, 2018, Respondent was arrested for stalking the victim and also harassing her by sending her unwanted text messages. On September 7, 2018, Officer Harrison also obtained an emergency protective order protecting the victim from Respondent.

50. On August 13, 2020, in proceedings entitled *The People of the State of California v. Paul Lawrence Cisek*, case number 18CR10233, in the Santa Barbara County Superior Court, Respondent, upon his plea of no contest, was convicted of the crime of making annoying telephone calls, in violation of section 653m, subdivision (b), of the Penal Code, a misdemeanor. On September 17, 2020, Respondent was sentenced to four days in Santa Barbara County Jail and was granted credit for two actual days' time served plus two good/work time credits for a total of four days. Respondent was ordered to pay fines, fees and restitution.

THIRD CAUSE FOR DISCIPLINE

(Use of Alcoholic Beverages in a Dangerous Manner)

51. Respondent's license is subject to disciplinary action under section 2234, subdivision (a) and section 2239 of the Code and California Code of Regulations, title 16, section 1360, in

that he used alcoholic beverages, to the extent, or in such a manner as to be dangerous and injurious to Respondent, or to any other person or to the public. The circumstances are as follows:

52. The allegations set forth in the First and Second Causes for Discipline are incorporated herein as if fully set forth.

FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

53. Respondent's license is subject to disciplinary action under section 2234, subdivision (a), of the Code in that he has engaged in unprofessional conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession. The circumstances are as follows:

54. The allegations set forth in the First, Second and Third Causes for Discipline are incorporated herein as if fully set forth.

DISCIPLINARY CONSIDERATIONS

55. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about May 29, 2008, in a prior criminal proceeding entitled *The People of the State of California v. Paul Lawrence Cisek*, case number 1257607, in the Santa Barbara County Superior Court, Respondent, upon his plea of nolo contendere, was convicted of driving with .15% blood alcohol causing injury in violation of section 23152, subdivision (b), of the Vehicle Code, a misdemeanor, and leaving the scene of an accident where property was damaged, in violation of section 20002, subdivision (a), of the Vehicle Code, a misdemeanor, the record of which is incorporated as if fully set forth herein. Respondent was placed on probation for a period of three years under terms and conditions, including the successful completion of a state licensed alcohol or drug program for first offenders.

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 G 73470, issued to Paul Lawrence Cisek, M.D.;

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

3. Ordering Paul Lawrence Cisek, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

4. If disciplined, ordering Paul Lawrence Cisek, M.D., to disclose his discipline to patients as required by section 2228.1 of the Code; and

5. Taking such other and further action as deemed necessary and proper.

DATED: APR 30 2021

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

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