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

In the Matter of the Accusation Against: Richard Gordon Phair, M.D. Physician's & Surgeon's Certificate No. G 78581 Respondent	Case No.: 800-2018-048156

DENIAL BY OPERATION OF LAW
PETITION FOR RECONSIDERATION

No action having been taken on the Petition for Reconsideration, filed by Richard Gordon Phair, M.D., and the time for action having expired at 5:00 p.m. on June 7, 2021, the petition is deemed denied by operation of law.

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

In the Matter of the Accusation Against: Richard Gordon Phair, **M.D.** Physician's & Surgeon's Certificate No. G 78581 Respondent	Case No. 800-2018-048156 **ORDER GRANTING STAY** (Government Code Section 11521)

Richard Gordon Phair, M.D. has filed a Request for Stay of execution of the Decision in this matter, currently stayed until May 28, 2021, at 5:00 p.m.

Execution is now stayed until June 7, 2021, at 5:00 p.m.

This stay is granted solely for the purpose of allowing the Board time to review and consider the Petition for Reconsideration.

DATED: May 28, 2021

For: William Prasifka
Executive Director
Medical Board of California

Reji Varghese
Deputy Director

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

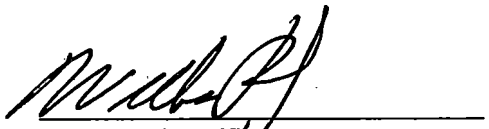
In the Matter of the Accusation Against: Richard Gordon Phair, **M.D.** Physician's & Surgeon's Certificate No G78581 Respondent.	Case No. 800-2018-048156 **ORDER GRANTING STAY** (Government Code Section 11521)

Michael A. Firestone, MBA, JD., on behalf of Respondent, Richard Gordon Phair, M.D., has filed a Request for Stay of execution of the Decision in this matter with an effective date of April 28, 2021, at 5:00 p.m..

Execution is stayed until May 28, 2021, at 5:00 p.m.

This stay is granted solely for the purpose of allowing the Respondent to file a Petition for Reconsideration.

DATED: April 26, 2021



William Prasifka
Executive Director
Medical Board of California

XAVIER BECERRA
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General
JONATHAN NGUYEN
Deputy Attorney General
State Bar No. 263420
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 269-6434
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 Accusation Against: **RICHARD GORDON PHAIR, M.D.** **4001 Inglewood Avenue** **Building 101, Unit 126** **Redondo Beach, CA 90278** **Physician's and Surgeon's Certificate No. G 78581,** Respondent.	Case No. 800-2018-048156 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about June 24, 2020, Complainant William Prasifka, in his official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs, filed Accusation No. 800-2018-048156 against RICHARD GORDON PHAIR, M.D. (Respondent) before the Medical Board of California.

2. On or about March 30, 1994, the Medical Board of California (Board) issued Physician's and Surgeon's Certificate No. G 78581 to Respondent. The Physician's and Surgeon's Certificate expired on October 31, 2019, and has not been renewed. A Certificate of Licensure is attached as Exhibit A in the accompanying Default Decision Evidence Packet, and is incorporated

herein by reference.

3. On or about June 24, 2020, Anna Logan, an employee of the Complainant Agency, served by Certified Mail a copy of the Accusation No. 800-2018-048156, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 4001 Inglewood Avenue, Building 101, Unit 126, Redondo Beach, CA 90278. A copy of the Accusation, the related documents, and Declaration of Service are attached as Exhibit B in the accompanying Default Decision Evidence Packet, and are incorporated herein by reference.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

5. On or about August 25, 2020, a Certified Mail receipt was returned by the U.S. Postal Service. The receipt was signed by "Tim Hughes" on June 26, 2020. A copy of the Certified Mail receipt is attached as Exhibit C in the accompanying Default Decision Packet, and is incorporated herein by reference.

6. On or about November 2, 2020, an envelope containing copy of the Accusation No. 800-2018-048156, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 mailed by Anna Logan, an employee of the Complainant Agency, was returned to the Board. It had a label marked, "RETURN TO SENDER, NO LONGER AT THIS ADDRESS, UNABLE TO FORWARD, RETURN TO SENDER." A copy of the returned envelope that contained Accusation No. 800-2018-048156, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 is attached as Exhibit D in the accompanying Default Decision Evidence Packet, and is incorporated herein by reference.

7. On or about August 8, 2020, Joseph McGaha, an employee of the California Department of Justice, served by First Class U.S. Mail, a copy of the Courtesy Notice of Default, a copy of the Accusation No. 800-2018-048156, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 4001 Inglewood Avenue,

Building 101, Unit 126, Redondo Beach, CA 90278. The documents were returned by the U.S. Postal Service as undeliverable. A copy of the Courtesy Notice of Default, the related documents, and Declaration of Service are attached as Exhibit E in the accompanying Default Decision Evidence Packet, and are incorporated herein by reference. A copy of the returned envelope that contained the Courtesy Notice of Default, the related documents, and Declaration of Service is attached as Exhibit F in the accompanying Default Decision Evidence Packet, and is incorporated herein by reference.

8. Business and Professions Code section 118 states, in pertinent part:

> (b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the license on any such ground.

9. Government Code section 11506 states, in pertinent part:

> (c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

10. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 800-2018-048156.

11. California Government Code section 11520 states, in pertinent part:

> (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

12. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in Exhibits A, B, C, D, E, F, G, H, I, J, and K, finds that the allegations in Accusation No. 800-

2018-048156 are true.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent RICHARD GORDON PHAIR, M.D. has subjected his Physician's and Surgeon's Certificate No. G 78581 to discipline.

2. A copy of the Accusation and the related documents and Declaration of Service are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. Pursuant to its authority under California Government Code section 11520, and based on the evidence before it, the Board hereby finds that the charges and allegations contained in Accusation No. 800-2018-048156, and the Findings of Facts contained in paragraphs 1 through 12, above, and each of them separately and severally, are true. A true and correct copy of Accusation No. 800-2018-048156 and the related documents and Declarations of Service are attached as Exhibit B.

5. The Medical Board of California is authorized to revoke Respondent's Physician's and Surgeon's Certificate based upon the following violations alleged in the Accusation:

a. Failure To Comply with a Board Order Issued Under Section 820 of the Code: Respondent failed to comply with a Board Order issued under section 820 of the Code when he failed to appear for two previously scheduled physical examinations ordered by the Board under section 820 of the Code. These acts are in violation of section 821 of the Code. (See Exhibits H, I, J, and K attached in the accompanying Default Decision Evidence Packet and incorporated herein);

b. Unprofessional Conduct: Respondent committed unprofessional conduct by failing to comply with a Board Order issued under section 820 of the Code. This act is in violation of section 2234 of the Code. (See Exhibits H, I, J, and K attached in the accompanying Default Decision Evidence Packet and incorporated herein.)

ORDER

IT IS SO ORDERED that Physician's and Surgeon's Certificate No. G 78581, heretofore issued to Respondent RICHARD GORDON PHAIR, M.D., is revoked.

If Respondent ever files an application for relicensure or reinstatement in the State of California, the Board shall treat it as a petition for reinstatement of a revoked license. Respondent must comply with all laws, regulations, and procedures for reinstatement of a revoked license in effect at the time the petition for reinstatement is filed.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on APR 28 2021.

It is so ORDERED MAR 29 2021

FOR THE MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

LA2020600434
63834929.docx

XAVIER BECERRA
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General
JONATHAN NGUYEN
Deputy Attorney General
State Bar No. 263420
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 269-6434
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 Accusation Against: **Richard Gordon Phair, M.D.** **4001 Inglewood Avenue** **Building 101, Unit 126** **Redondo Beach, CA 90278** **Physician's and Surgeon's Certificate No. G 78581,** Respondent.	Case No. 800-2018-048156 **ACCUSATION**

PARTIES

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

2. On or about March 30, 1994, the Medical Board issued Physician's and Surgeon's Certificate Number G 78581 to Richard Gordon Phair, M.D. (Respondent). The Physician's and Surgeon's Certificate expired on October 31, 2019, and has not been renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following

laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 820 of the code states, in pertinent part: "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."

5. Section 821 of the Code states: "The licentiate's failure to comply with an order issued under Section 820 shall constitute grounds for the suspension or revocation of the licentiate's certificate or license."

6. 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.
>
> . . .

FACTUAL SUMMARY

7. On or about March 16, 2020, acting on reports that Respondent appeared to be mentally or physically ill, the Board issued an order pursuant to Business and Professions Code section 820, Case No. 800-2018-048156, compelling Respondent to undergo mental and physical examinations to determine whether he was impaired by a mental or physical illness affecting his competency to practice medicine.

8. On or about April 7, 2020, Investigator Jesse Lopez with the Department of Consumer Affairs, Division of Investigation, Health Quality Investigation Unit, contacted Dr. Bernard Katz to perform a physical examination and Dr. Alex Sahba to perform a mental examination of Respondent. Special Investigator Chris Jensen with the Board contacted

Respondent by phone and sent him the times and dates of his physical and mental examinations by email. A physical examination with Dr. Bernard Katz was scheduled for April 14, 2020 at 3:00 pm for Respondent.

9. On or about April 9, 2020, Special Investigator Jensen sent Respondent a notice of appointments, by Certified and regular U. S. Mail, confirming an appointment with Dr. Bernard Katz for a physical examination on April 14, 2020 at 3:00 pm.

10. On or about April 14, 2020, Special Investigator Jensen received an email from Dr. Katz stating Respondent had called him five minutes prior to 3:00 pm and said he could not make the appointment until 4:00 pm. Dr. Katz could not accommodate the delay. Special Investigator Jensen called Respondent and left a voicemail message. Special Investigator Jensen also sent Respondent an email, instructing him to contact Dr. Katz to reschedule his physical examination. Respondent rescheduled his physical examination with Dr. Katz for April 16, 2020.

11. Respondent failed to attend his April 16, 2020 appointment with Dr. Katz. On or about April 20, 2020, Dr. Katz contacted Special Investigator Jensen and informed him that Respondent did not come for his rescheduled appointment on April 16, 2020.

FIRST CAUSE FOR DISCIPLINE

(Failure To Comply With An Order Issued Under Section 820 Of The Code)

12. By reason of the facts set forth in paragraphs 7 through 11 above, Respondent is subject to disciplinary action under Section 821 of the Code in that Respondent failed to comply with an order issued under Section 820 of the Code by failing to appear for two previously scheduled physical examinations ordered by the Board under Section 820 of the Code.

13. Respondent's acts and/or omissions as set forth in paragraphs 7 through 11 above, whether proven individually, jointly, or in any combination thereof, constitutes Respondent's failure to comply with an order issued under Section 820 of the Code, pursuant to Section 821 of the Code.

///

///

///

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

14. By reason of the facts and allegations set forth in paragraphs 7 through 13 above, Respondent is subject to disciplinary action under Section 2234, of the Code in that Respondent failed to comply with an order issued under Section 820 of the Code by failing to appear for two previously scheduled physical examinations ordered by the Board under Section 820 of the Code.

15. Respondent's acts and/or omissions as set forth in paragraphs 7 through 13 above, whether proven individually, jointly, or in any combination thereof, constitute unprofessional conduct which breaches the rules or ethical code of a profession, or conduct which is unbecoming of a member in good standing of a profession in violation of Section 2234 of the Code.

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 78581, issued to Richard Gordon Phair, M.D.;

2. Revoking, suspending or denying approval of Richard Gordon Phair, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Richard Gordon Phair, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: JUN 24 2020

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

LA2020600434
63296409.docx

XAVIER BECERRA
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General
JONATHAN NGUYEN
Deputy Attorney General
State Bar No. 263420
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 269-6434
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 Accusation Against: **Richard Gordon Phair, M.D.** **4001 Inglewood Avenue** **Building 101, Unit 126** **Redondo Beach, CA 90278** **Physician's and Surgeon's Certificate No. G 78581,** Respondent.	Case No. 800-2018-048156 **A C C U S A T I O N**

PARTIES

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

2. On or about March 30, 1994, the Medical Board issued Physician's and Surgeon's Certificate Number G 78581 to Richard Gordon Phair, M.D. (Respondent). The Physician's and Surgeon's Certificate expired on October 31, 2019, and has not been renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following

laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 820 of the code states, in pertinent part: "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."

5. Section 821 of the Code states: "The licentiate's failure to comply with an order issued under Section 820 shall constitute grounds for the suspension or revocation of the licentiate's certificate or license."

6. 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.
>
> . . .

FACTUAL SUMMARY

7. On or about March 16, 2020, acting on reports that Respondent appeared to be mentally or physically ill, the Board issued an order pursuant to Business and Professions Code section 820, Case No. 800-2018-048156, compelling Respondent to undergo mental and physical examinations to determine whether he was impaired by a mental or physical illness affecting his competency to practice medicine.

8. On or about April 7, 2020, Investigator Jesse Lopez with the Department of Consumer Affairs, Division of Investigation, Health Quality Investigation Unit, contacted Dr. Bernard Katz to perform a physical examination and Dr. Alex Sahba to perform a mental examination of Respondent. Special Investigator Chris Jensen with the Board contacted

Respondent by phone and sent him the times and dates of his physical and mental examinations by email. A physical examination with Dr. Bernard Katz was scheduled for April 14, 2020 at 3:00 pm for Respondent.

9. On or about April 9, 2020, Special Investigator Jensen sent Respondent a notice of appointments, by Certified and regular U. S. Mail, confirming an appointment with Dr. Bernard Katz for a physical examination on April 14, 2020 at 3:00 pm.

10. On or about April 14, 2020, Special Investigator Jensen received an email from Dr. Katz stating Respondent had called him five minutes prior to 3:00 pm and said he could not make the appointment until 4:00 pm. Dr. Katz could not accommodate the delay. Special Investigator Jensen called Respondent and left a voicemail message. Special Investigator Jensen also sent Respondent an email, instructing him to contact Dr. Katz to reschedule his physical examination. Respondent rescheduled his physical examination with Dr. Katz for April 16, 2020.

11. Respondent failed to attend his April 16, 2020 appointment with Dr. Katz. On or about April 20, 2020, Dr. Katz contacted Special Investigator Jensen and informed him that Respondent did not come for his rescheduled appointment on April 16, 2020.

FIRST CAUSE FOR DISCIPLINE

(Failure To Comply With An Order Issued Under Section 820 Of The Code)

12. By reason of the facts set forth in paragraphs 7 through 11 above, Respondent is subject to disciplinary action under Section 821 of the Code in that Respondent failed to comply with an order issued under Section 820 of the Code by failing to appear for two previously scheduled physical examinations ordered by the Board under Section 820 of the Code.

13. Respondent's acts and/or omissions as set forth in paragraphs 7 through 11 above, whether proven individually, jointly, or in any combination thereof, constitutes Respondent's failure to comply with an order issued under Section 820 of the Code, pursuant to Section 821 of the Code.

///

///

///

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

14. By reason of the facts and allegations set forth in paragraphs 7 through 13 above, Respondent is subject to disciplinary action under Section 2234, of the Code in that Respondent failed to comply with an order issued under Section 820 of the Code by failing to appear for two previously scheduled physical examinations ordered by the Board under Section 820 of the Code.

15. Respondent's acts and/or omissions as set forth in paragraphs 7 through 13 above, whether proven individually, jointly, or in any combination thereof, constitute unprofessional conduct which breaches the rules or ethical code of a profession, or conduct which is unbecoming of a member in good standing of a profession in violation of Section 2234 of the Code.

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 78581, issued to Richard Gordon Phair, M.D.;

2. Revoking, suspending or denying approval of Richard Gordon Phair, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Richard Gordon Phair, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: JUN 24 2020

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

LA2020600434
63296409.docx