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

In the Matter of the First Amended Accusation Against: Neil Petree Rifenbark, M.D. Physician's and Surgeon's Certificate No. A 124061 Respondent.	Case No. 800-2020-070380

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 July 16, 2021.

IT IS SO ORDERED July 9, 2021.

MEDICAL BOARD OF CALIFORNIA

William Prasifka
Executive Director

ROB BONTA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General
CAROLYNE EVANS
Deputy Attorney General
State Bar No. 289206
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3448
Facsimile: (415) 703-5480
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: **NEIL PETREE RIFENBARK, M.D.** **GME Office LAC/USC Medical Center** **1200 North State Street, CT Room A7D** **Los Angeles, CA 90033-1029** **Physician's and Surgeon's Certificate No.** **A 124061** Respondents.	Case No. 800-2020-070380 OAH No. 2021050465 **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 Carolyne Evans, Deputy Attorney General.

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2. NEIL PETREE RIFENBARK, M.D. (Respondent) is represented in this proceeding by attorney Fredrick M. Ray, Esq., whose address is: 5000 Birch Street, Suite 7000 Newport Beach, CA 92660-2127.

3. On or about December 28, 2012, the Board issued Physician's and Surgeon's Certificate No. A 124061 to Respondent. The Physician's and Surgeon's Certificate expired on September 30, 2018, and has not been renewed.

JURISDICTION

4. First Amended Accusation No. 800-2020-070380 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 June 24, 2021. Respondent filed his Notice of Defense contesting the First Amended Accusation. A copy of First Amended Accusation No. 800-2020-070380 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Accusation No. 800-2020-070380. Respondent also has carefully read, fully discussed with counsel, 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 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.

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CULPABILITY

8. Respondent understands that the charges and allegations in the First Amended Accusation No. 800-2020-070380, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

9. For the purpose of resolving the First Amended Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the First Amended Accusation and that those charges constitute cause for discipline. Respondent hereby gives up his right to contest that cause for discipline exists based on those charges.

10. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Physician's and Surgeon's Certificate without further process.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated 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.

ADDITIONAL PROVISIONS

12. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to be an integrated writing representing the complete, final, and exclusive embodiment of the agreements of the parties in the above-entitled matter.

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13. The parties agree that copies of this Stipulated Settlement and Disciplinary Order, including copies of the signatures of the parties, may be used in lieu of original documents and signatures and, further, that such copies shall have the same force and effect as originals.

14. 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. A 124061, issued to Respondent NEIL PETREE RIFENBARK, M.D., is surrendered and accepted by the Board.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a physician and surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in First Amended Accusation No. 800-2020-070380 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. 800-2020-070380 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 above Stipulated Surrender of License and Order and have fully discussed it with my attorney Fredrick M. Ray, Esq. 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: 6/30/2021

NEIL PETREE RIFENBARK, M.D.
Respondent

I have read and fully discussed with Respondent NEIL PETREE RIFENBARK, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 6/30/2021

FREDRICK M. RAY, ESQ.
Attorney for Respondent

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: July 1, 2021

Respectfully submitted,

ROB BONTA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General

CAROLYNE EVANS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2020-070380

ROB BONTA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General
CAROLYNE EVANS
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Attorneys for Complainant

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

In the Matter of the First Amended Accusation Against: **Neil Petree Rifenbark, M.D.** **GME Office LAC/USC Medical Center** **1200 North State Street, CT Room A7D** **Los Angeles, CA 90033-1029** **Physician's and Surgeon's Certificate** **No. A 124061,** Respondent.	Case No. 800-2020-070380 **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 December 28, 2012, the Medical Board issued a probationary Physician's and Surgeon's Certificate Number A 124061 to Neil Petree Rifenbark, M.D. (Respondent) with various terms and conditions, including random biological fluid testing and a requirement that he complete an ethics course. The Physician's and Surgeon's Certificate expired on September 30,

2018, and has not been renewed. On March 2, 2021, the Board suspended Respondent's Physician's and Surgeon's Certificate pursuant to Business and Profession Code Section 2310(a). On June 22, 2021, the Board lifted the suspension order based on the North Carolina Board's order that reinstated Respondent's North Carolina medical license.

JURISDICTION

3. 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.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice 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," which includes but is not limited to, "[v]iolating . . . any provision of this chapter."

6. Section 2305 of the Code provides, in pertinent part, that the revocation, suspension, or other discipline, restriction, or limitation imposed by another state upon a license to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California, shall constitute grounds for disciplinary action for unprofessional conduct.

7. Section 141 of the Code provides:

(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state,

an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government or another country.

8. Section 2228.1 of the Code provides, in pertinent part, that the Board shall require a licensee who is disciplined based on drug or alcohol abuse to the extent that such use impairs the ability of the licensee to practice safely to disclose to his patients information regarding his probation status. The licensee is required to disclose: probation status, the length of the probation, the probation end date, all practice restrictions placed on the license 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 Board's Internet Web site.

CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by Another State)

9. On August 7, 2020, the North Carolina Medical Board (North Carolina Board) issued a Consent Order (North Carolina Order), attached herewith as Exhibit A, which indefinitely suspended Respondent's North Carolina medical license. The Consent Order states that: "Dr. Rifenbark has suffered from substance use disorder. On several occasions in early 2020, he obtained fentanyl for his personal use from that being administered to patients. Hospital personnel saw this and confronted him, leading to his resignation."

10. The Consent Order further stated that: "Dr. Rifenbark acknowledges that when abusing substances, he is unable to practice medicine with reasonable skill and safety to patients."

11. On June 1, 2021, the North Carolina Board issued a Consent Order (June 1, 2021 Consent Order) that reinstates Respondent's license to practice medicine in North Carolina. The June 1, 2021 Consent Order is attached herewith as Exhibit B. The North Carolina Board concluded that "Dr. Rifenbark suffers from a medical condition which, when left untreated, renders him unable to practice medicine with reasonable skill and safety." Respondent is

participating in the North Carolina Professional Health Program (NCPHP) for substance abusing licensees. Pursuant to the June 1, 2021 Consent Order, Respondent needs to abstain from the use of alcohol and all other mind- or mood- altering substances and all controlled substances, including but not limited to sedatives, stimulants and pain medications unless lawfully prescribed to him. Respondent is required to comply with all of NCPHP's requirements.

12. Respondent's foregoing conduct and the actions of the North Carolina Board, as set forth in paragraphs 9 through 11, above, and Exhibit A and Exhibit B, attached, constitute cause for discipline, pursuant to section 2234 and/or section 2305 and/or section 141 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 A 124061, issued to Neil Petree Rifenbark, M.D.;

2. Revoking, suspending or denying approval of Neil Petree Rifenbark, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Neil Petree Rifenbark, M.D., if placed on probation, to pay the Board the costs of probation monitoring;

4. Ordering Neil Petree Rifenbark, M.D., if placed on probation, to provide patient notification in accordance with Business and Professions Code section 2228.1; and

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

DATED: JUN 24 2021

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

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Rifenbark first amended Accusation - Medical Board - a.docx

EXHIBIT A

North Carolina Medical Board

Bryant A. Murphy, MD: President | Venkata Jonnalagadda, MD: President-Elect | John W. Rusher, MD: Secretary/Treasurer

Re: Neil Petree Rifenbark, Jr., M.D.
Year of Birth: 1982

The attached five (5) pages are certified to be a true copy of Dr. Rifenbark's official record of the North Carolina Medical Board kept under my custody and control.

This the 23rd day of September 2020.

R. David Henderson

R. David Henderson
Chief Executive Officer

SEAL

1203 Front Street, Raleigh, NC 27609 | PO Box 20007, Raleigh, NC 27619
Tel: (919) 326-1100 | Fax: (919) 326-1131 | Email: info@ncmedboard.org | www.ncmedboard.org

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:	)	
	)	
Neil Petree Rifenbark, Jr., M.D.	)	CONSENT ORDER
	)	
Respondent.	)	

This matter is before the North Carolina Medical Board ("Board") regarding information provided to the Board concerning Neil Petree Rifenbark, Jr., M.D. ("Dr. Rifenbark"). Dr. Rifenbark makes the following admissions and the Board makes the following findings and conclusions:

STATUTORY AUTHORITY

The Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted to it in Article 1 of Chapter 90 of the North Carolina General Statutes and the rules and regulations promulgated thereto.

FINDINGS OF FACT

Dr. Rifenbark was first issued a license to practice medicine by the Board on or about September 17, 2017, license number 2017-02180.

At all times relevant hereto, Dr. Rifenbark practiced emergency medicine in Burlington, North Carolina.

Dr. Rifenbark has suffered from substance use disorder. On several occasions in early 2020, he obtained fentanyl for his personal use from that being administered to patients. Hospital personnel saw this and confronted him, leading to his resignation.

Dr. Rifenbark inactivated his medical license on March 2, 2020. He joined the North Carolina Professionals Health Program and completed residential treatment.

CONCLUSIONS OF LAW

Dr. Rifenbark acknowledges that when abusing substances, he is unable to practice medicine with reasonable skill and safety to patients within the meaning of N.C. Gen. Stat. § 90-14(a)(5), and grounds exist under this section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition or limit Dr. Rifenbark's license to practice medicine or to deny any application he might make in the future.

PROCEDURAL STIPULATIONS

Dr. Rifenbark acknowledges and agrees that the Board has jurisdiction over him and over the subject matter of this case.

Dr. Rifenbark knowingly waives his right to any hearing and to any judicial review or appeal in this case.

Dr. Rifenbark, with the advice of legal counsel, acknowledges that he has read and understands this Consent Order and enters into it voluntarily.

Dr. Rifenbark desires to resolve this matter without the need for more formal proceedings.

The Board has determined that it is in the public interest to resolve this case as set forth below.

ORDER

NOW, THEREFORE, with Dr. Rifenbark's consent, it is ORDERED that:

1. Dr. Rifenbark's North Carolina license to practice medicine is hereby INDEFINITELY SUSPENDED.

2. This Consent Order shall take effect immediately upon its execution by both Dr. Rifenbark and the Board, and it shall continue in effect until specifically ordered otherwise by the Board.

3. Dr. Rifenbark hereby waives any requirement under any law or rule that this Consent Order be served on him.

4. Upon execution by Dr. Rifenbark and the Board, this Consent Order shall become a public record within the meaning of Chapter 132 of the North Carolina General Statutes and shall be subject to public inspection and dissemination pursuant to the provisions thereof. Additionally, it will be reported to persons, entities, agencies, and clearinghouses as required and permitted by law including, but not limited to, the Federation of State Medical Boards and the National Practitioner Data Bank.

By Order of the North Carolina Medical Board this the 7th day of August, 2020.

NORTH CAROLINA MEDICAL BOARD

By: _____ MD
Bryant A. Murphy, M.D.
President

Consented to this the 6 day of August, 2020.

Neil Petree Rifenbark, Jr., MD

State of North Carolina

County of Orange

I, Austin Lane, a Notary Public for the above named County and State, do hereby certify that Neil Petree Rifenbark, Jr., MD, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 6th day of August, 2020.

Notary Public

AUSTIN LANE NOTARY PUBLIC DURHAM COUNTY NC

(SEAL)

My Commission Expires: 11-18-2023

EXHIBIT B

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:	)	
	)	
Neil Petree Rifenbark, Jr, M.D.,	)	CONSENT ORDER
	)	
Respondent.	)	

This matter is before the North Carolina Medical Board ("Board") on the application of Neil Petree Rifenbark, Jr., M.D. ("Dr. Rifenbark") for reinstatement of his license to practice medicine in the state of North Carolina. Dr. Rifenbark makes the following admissions and the Board makes the following findings and conclusions:

STATUTORY AUTHORITY

The Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted to it in Article 1 of Chapter 90 of the North Carolina General Statutes and the rules and regulations promulgated thereto.

FINDINGS OF FACT

Dr. Rifenbark has applied for reinstatement of his license to practice medicine in North Carolina.

Dr. Rifenbark was first issued a license to practice medicine by the Board on or about September 17, 2017, license number 2017-02180.

On March 2, 2020, Dr. Rifenbark voluntarily inactivated his license to practice medicine, and on August 7, 2020, Dr. Rifenbark and the Board entered into a Consent Order, the details of which are contained therein, whereby Dr. Rifenbark's license was indefinitely suspended.

Dr. Rifenbark has suffered from substance use disorder. Dr. Rifenbark has undergone and successfully completed residential treatment for this disorder. Dr. Rifenbark is a Participant in the North Carolina Professionals Health Program ("NCPHP"), and NCPHP advocates for Dr. Rifenbark's return to the practice of medicine.

Dr. Rifenbark met with members of the Board on May 20, 2021, to discuss his application for reinstatement of his license, and the Board decided to reinstate his license on the following terms and conditions.

CONCLUSIONS OF LAW

Dr. Rifenbark suffers from a medical condition which, when left untreated, renders him unable to practice medicine with reasonable skill and safety within the meaning of N.C. Gen. Stat. § 90-14(a)(5), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit Dr. Rifenbark's license to practice medicine or to deny any application he may make in the future.

PROCEDURAL STIPULATIONS

Dr. Rifenbark acknowledges and agrees that the Board has jurisdiction over him and over the subject matter of this case.

Dr. Rifenbark knowingly waives his right to any hearing and to any judicial review or appeal in this case.

Dr. Rifenbark, with the advice of legal counsel, acknowledges that he has read and understands this Consent Order and enters into it voluntarily.

Dr. Rifenbark desires to resolve this matter without the need for more formal proceedings.

The Board has determined that it is in the public interest to resolve this case as set forth below.

ORDER

NOW, THEREFORE, with Dr. Rifenbark's consent, it is ORDERED that:

1. The Board shall reinstate Dr. Rifenbark's license to practice medicine. This license is not limited or restricted.

2. Dr. Rifenbark shall maintain and comply in all respects with his current agreement with NCPHP and abide by its terms, including the timely payment of all fees required by NCPHP.

3. Unless lawfully prescribed for him by someone other than himself, Dr. Rifenbark shall refrain from the use or

possession of alcohol and all other mind- or mood-altering substances and all controlled substances including, but not limited to, sedatives, stimulants, and pain medication.

4. Upon request by the Board, Dr. Rifenbark shall supply urine, blood, hair, or any other bodily fluid or tissue sample the Board might reasonably require for the purposes of analysis to determine if he has consumed any of the substances mentioned above.

5. Dr. Rifenbark shall obey all laws. Likewise, he shall obey all rules and regulations involving the practice of medicine.

6. Dr. Rifenbark shall meet with the Board or members of the Board for an investigative interview at such times as requested by the Board.

7. Upon request, Dr. Rifenbark shall provide the Board with any information the Board deems necessary to verify compliance with the terms and conditions of this Consent Order.

8. If Dr. Rifenbark fails to comply with any of the terms and conditions of this Consent Order, that failure shall constitute unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6) and shall be grounds, after any required notice and hearing, for the Board to annul, suspend or revoke his license to practice medicine and to deny any

application he might make in the future or then have pending for a license.

9. This Consent Order shall take effect immediately upon its execution by both Dr. Rifenbark and the Board, and it shall continue in effect until specifically ordered otherwise by the Board.

10. Dr. Rifenbark hereby waives any requirement under any law or rule that this Consent Order be served on him.

11. Upon execution by Dr. Rifenbark and the Board, this Consent Order shall become a public record within the meaning of Chapter 132 of the North Carolina General Statutes and shall be subject to public inspection and dissemination pursuant to the provisions thereof. Additionally, it will be reported to persons, entities, agencies and clearinghouses as required and permitted by law including, but not limited to, the Federation of State Medical Boards and the National Practitioner Data Bank.

By Order of the North Carolina Medical Board this the 1st day of June, 2021.

NORTH CAROLINA MEDICAL BOARD

By: _____
Venkata Jonnalagadda, M.D.
President

Consented to this the 28 day of May, 2021.

Neil Petree Rifenbark, Jr, M.D.

State of North Carolina

County of Orange

I, Kathleen A. Betancourt, do hereby certify that Neil Petree Rifenbark, Jr, M.D. personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 28th day of MAY, 2021.

Kathleen A. Betancourt
Notary Public

(Official Seal)

My Commission Expires: 1/11/2026

KATHLEEN A BETANCOURT
NOTARY
My Comm. Exp.
01-11-2026
PUBLIC
CHATHAM COUNTY, N.C.