

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

In the Matter of the First Amended
Accusation Against:

Daniel John Good, M.D.

Physician's & Surgeon's
Certificate No A 64629

Petitioner.

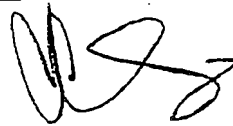
Case No.: 800-2020-067074

ORDER DENYING PETITION FOR RECONSIDERATION

The Petition filed by Daniel John Good, M.D., for the reconsideration of the decision in the above-entitled matter having been read and considered by the Medical Board of California, is hereby denied.

This Decision remains effective at 5:00 p.m. on July 29, 2021.

IT IS SO ORDERED: July 22, 2021.



Laurie Rose Lubiano, J.D., Vice Chair
Panel A

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

**In the Matter of the First Amended
Accusation Against:**

Daniel John Good, M.D.

Case No. 800-2020-067074

**Physician's and Surgeon's
Certificate No. A 64629**

Respondent.

DECISION

The attached Proposed Decision is hereby amended, pursuant to Government Code section 11517(c)(2)(C), to correct a clerical error that does not affect the factual or legal basis of the Proposed Decision. The Proposed Decision is amended as follows:

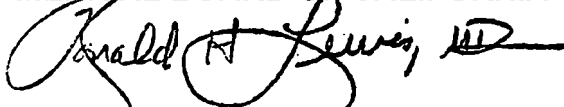
1. Page 1: the Title is corrected to read "First Amended Accusation."
2. Page 6, Line 1: the License is corrected to read "A 64629."

The attached Proposed Decision 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 29, 2021.

IT IS SO ORDERED June 29, 2021.

MEDICAL BOARD OF CALIFORNIA



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

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

In the Matter of the Accusation Against:

DANIEL JOHN GOOD, M.D.,

Physician's and Surgeon's Certificate No. A 64629

Respondent.

Agency Case No. 800-2020-067074

OAH No. 2021030251

PROPOSED DECISION

Administrative Law Judge Juliet E. Cox, State of California, Office of Administrative Hearings, heard this matter on May 6, 2021, by videoconference.

Deputy Attorney General Thomas Ostly represented complainant William Prasifka, Executive Director of the Medical Board of California.

Respondent Daniel John Good, M.D., was present representing himself.

The matter was submitted for decision on May 6, 2021.

FACTUAL FINDINGS

1. The Medical Board of California (CA Board) issued Physician's and Surgeon's Certificate No. A 64629¹ to respondent Daniel John Good, M.D., on March 13, 1998. This certificate expired without renewal on October 31, 2019.

2. Acting in his official capacity as the Executive Director of the CA Board, complainant William Prasifka filed an accusation against respondent, and later a first amended accusation. Complainant alleges that the Kentucky Board of Medical Licensure has taken disciplinary action against respondent for reasons that also constitute grounds for disciplinary action in California, and seeks disciplinary action in California as a result. Respondent requested a hearing.

Education and Professional History

3. The evidence did not establish precisely when respondent graduated from medical school. He obtained the California license described above in Finding 1 during an ophthalmology residency in Los Angeles.

4. Respondent worked as an ophthalmologist in California until 2005. He then worked for several years in Texas before moving to Kentucky. He now is an ophthalmologist in private practice in Frankfort, Kentucky.

¹ The license certificate in evidence states respondent's certificate number incorrectly as G 88791.

Unprofessional Conduct and Kentucky Disciplinary Action

5. Effective April 14, 2020, upon respondent's consent, the Kentucky Board of Medical Licensure temporarily suspended respondent's authority to practice medicine.

6. The Kentucky Board of Medical Licensure took this action after brief investigation of a complaint alleging that respondent had been under the influence of alcohol while he was at his medical workplace. This investigation included an evaluation at a substance use disorder treatment clinic, Bradford Health Services in Warrior, Alabama. The evaluators recommended that respondent undergo eight to ten weeks' inpatient treatment for alcohol use disorder, and he did, during April and May 2020.

7. In early June 2020, respondent entered into a five-year "Aftercare Contract" with the Kentucky Physicians Health Foundation. The contract calls for respondent to abstain completely from alcohol and unprescribed mood-altering drugs; to undergo random bodily fluid testing to confirm abstinence; to attend at least 12 peer support group meetings (such as Alcoholics Anonymous) each month, as well as group psychotherapy specifically for physicians; and to permit representatives from the Kentucky Physicians Health Foundation to communicate with one or more of his primary worksite colleagues regarding his ongoing fitness for practice.

8. In August 2020, the Kentucky Board of Medical Licensure approved respondent's return to medical practice, on the condition that he remain fully compliant with the agreement described in Finding 7 for five years. Respondent resumed his medical practice in September 2020. As of March 2021, the medical

director of the Kentucky Physicians Health Foundation considered respondent to be in full compliance with the agreement described in Finding 7.

Additional Evidence

9. Respondent considers himself to be an alcoholic. He believes that he should never drink alcohol again, because he cannot use it responsibly. He cooperated in the investigation and disciplinary action by the Kentucky Board of Medical Licensure, and believes that the monitoring program he has agreed to follow is helping him to maintain sobriety.

10. Respondent allowed his California license to expire in October 2019, as described in Finding 1, because he does not intend to return to medical practice in California. He considers Kentucky to be his home, and plans now that he is in recovery from his alcohol use disorder to continue practicing there as an ophthalmologist.

LEGAL CONCLUSIONS

1. Discipline against a medical license respondent holds in another state, on grounds that would have been cause for discipline in California, is cause for discipline against respondent's California physician's and surgeon's certificate. (Bus. & Prof. Code, §§ 141, 2305.) The out-of-state disciplinary order itself is "conclusive evidence" of the facts the order states. (*Id.*, § 141, subd. (a).) Clear and convincing evidence must prove any additional facts supporting California discipline.

2. Excessive or dangerous alcohol use, particularly on duty, is cause for professional discipline in California. (Bus. & Prof. Code, §§ 2227, 2234, 2239, subd. (a).)

3. The matters stated in Finding 5 constitute discipline against respondent's Kentucky medical license. The matters stated in Findings 6 and 9 and in Legal Conclusion 2 confirm that the Kentucky Board of Medical Licensure took this disciplinary action because of conduct that also qualifies in California as unprofessional conduct. These matters constitute cause under Business and Professions Code sections 141 and 2305 for the CA Board to take disciplinary action against respondent.

4. If respondent held an active California physician's and surgeon's certificate and intended to practice medicine in California, the CA Board's "Manual of Model Disciplinary Orders and Disciplinary Guidelines, 12th Edition 2016" (Cal. Code Regs., tit. 16, § 1361, subd. (a)) would allow a period of probation for him. In this case, however, because of the matters stated in Findings 3, 4, and 10, probation is not appropriate because the CA Board would not be able to exercise effective supervision over respondent. Instead, an order revoking respondent's California physician's and surgeon's certificate is appropriate. This revocation order results solely from the Kentucky matters described in Findings 5 through 8, and not from any other unprofessional conduct.

5. If respondent ever wishes to return to practice in California, the CA Board may consider, under the circumstances that exist at that time, whether or on what terms to reinstate his California certificate.

ORDER

Physician's and Surgeon's Certificate No. A 64679, issued to respondent Daniel John Good, M.D., is revoked.

DATE: 05/17/2021



JULIET E. COX

Administrative Law Judge

Office of Administrative Hearings

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 THOMAS OSTLY
Deputy Attorney General
4 State Bar No. 209234
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3871
6 Facsimile: (415) 703-5480
Attorneys for Complainant
7

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the First Amended Accusation
Against:

Case No. 800-2020-067074

13 **Daniel John Good, M.D.**
14 **Frankfort Eye Center**
15 **100 Diagnostic Drive**
Lexington, KY 40601

FIRST AMENDED
ACCUSATION

16 **Physician's and Surgeon's Certificate**
17 **No. A 64629,**

18 Respondent.
19
20

21 **PARTIES**

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

25 2. On or about March 13, 1998, the Medical Board issued Physician's and Surgeon's
26 Certificate Number A 64629 to Daniel John Good, M.D. (Respondent). The Physician's and
27 Surgeon's Certificate expired on October 31, 2019, and has not been renewed.
28

1 JURISDICTION

2 3. This First Amended Accusation is brought before the Board, under the authority of
3 the following laws. All section references are to the Business and Professions Code (Code)
4 unless otherwise indicated.

5 4. Section 2227 of the Code states:

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

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

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

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

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

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

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

27 5. Section 2305 of the Code provides, in part, that the revocation, suspension, or other
28 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 under the Medical Practice Act, constitutes grounds for discipline for unprofessional
conduct.

6. Section 141 of the Code provides:

“(a) For any licensee holding a license issued by a board under the
jurisdiction of a department, a disciplinary action taken by another state, by any

1 agency of the federal government, or by another country for any act
2 substantially related to the practice regulated by the California license, may be
3 a ground for disciplinary action by the respective state licensing board. A
4 certified copy of the record of the disciplinary action taken against the licensee
5 by another state, an agency of the federal government, or by another country
6 shall be conclusive evidence of the events related therein.

7
8 “(b) Nothing in this section shall preclude a board from applying a
9 specific statutory provision in the licensing act administered by the board that
10 provides for discipline based upon a disciplinary action taken against the
11 licensee by another state, an agency of the federal government, or another
12 country.”

13 FIRST CAUSE FOR DISCIPLINE

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

15 7. On April 14, 2020, the Kentucky Board of Medical Licensure entered into an Interim
16 Agreed Order against Respondent’s license to practice medicine in Kentucky. The Order
17 prohibited Respondent from engaging in any act that would constitute “the practice of medicine”
18 which is defined in the Order as "the diagnosis, treatment, or correction of any and all human
19 conditions, ailments, diseases, injuries or infirmities by any and all means, methods, devices, or
20 instrumentalities". A copy of the Interim Agreed Order is attached as Exhibit A.

21 8. Following the issuance of the Interim Agreed Order, Respondent entered a residential
22 treatment program and was successfully discharged on June 5, 2020. Following his discharge,
23 Respondent was permitted to resume the practice of medicine, subject to an aftercare and
24 monitoring contract to address Respondent’s substance use issue.

25 9. On June 15, 2020, Respondent entered into an aftercare contract with the Kentucky
26 Physicians Health Foundation. Components of that contract include documented attendance at no
27 less than 12 AA meetings per month, an ongoing relationship with an AA sponsor, weekly
28 participation in a physicians therapy group, individual therapy, random, observed drug screens
and alcohol determinations, and professional accountability obtained through interval reports
from a contact at his worksite.

10. On August 20, 2020, the Kentucky Board of Medical Licensure terminated the
Interim Agreed Order and he was granted permission to return to clinical practice.

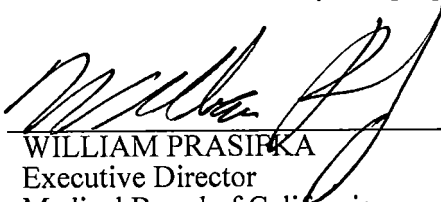
1 11. Respondent's conduct and the action of the Kentucky Board of Medical Licensure as
2 set forth in in paragraphs 7 through 10, above, constitute cause for discipline pursuant to sections
3 2305 and/or 141 of the Code.

4 **PRAYER**

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

- 7 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 64629,
8 issued to Daniel John Good, M.D.;
- 9 2. Revoking, suspending or denying approval of Daniel John Good, M.D.'s authority to
10 supervise physician assistants and advanced practice nurses;
- 11 3. Ordering Daniel John Good, M.D., if placed on probation, to pay the Board the costs
12 of probation monitoring; and
- 13 4. Taking such other and further action as deemed necessary and proper.

14
15 DATED: FEB 24 2021



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

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Exhibit A



KENTUCKY BOARD OF MEDICAL LICENSURE

Andy Beshear
Governor

Hurstbourne Office Park
310 Whittington Parkway, Suite 1B
Louisville, Kentucky 40222

www.kbml.ky.gov
(502) 429-7150

Date: May 15, 2020

From: Jill Lun, Acting Open Records Custodian

Via: UPS Ground Delivery

Re: Daniel John Good, M.D.

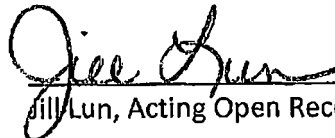
This record is [X] certified [] not certified

Please find attached the document(s) you requested pursuant to the Kentucky Open Records Act. The Kentucky Board of Medical Licensure is a State agency which is responsible for maintaining the records concerning medical licensure pursuant to KRS 311.530. **Specifically, attached is an Interim Agreed Order (Treatment) on a pending investigation – No disciplinary action has been taken at this time.**

Thank you for allowing us to be of assistance. If you require additional information, please do not hesitate to call our office.

CERTIFICATION

I, Jill Lun, acting custodian of the records for the Kentucky Board of Medical Licensure, hereby certify that the attached are true and exact copies of the documents on file with this office.



Jill Lun, Acting Open Records Custodian

To: Sharee Woods
Management Services Technician
2005 Evergreen Street, Suite 1200
Sacramento, California 95815-5401

BOARD SEAL

FILED OF RECORD

APR 14 2020

K.E.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. IAO(T)-086

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF
KENTUCKY HELD BY DANIEL GOOD, M.D., LICENSE NO: 52270; 100
DIAGNOSTIC DRIVE, FRANKFORT, KENTUCKY 40601

INTERIM AGREED ORDER (TREATMENT)

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Inquiry Panel A, and Daniel Good, M.D. (hereafter "the licensee"), and, based upon their mutual desire to ensure that the public is fully protected while the Board is completing its investigation, hereby ENTER INTO the following INTERIM AGREED

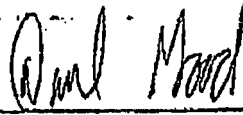
ORDER:

1. The licensee shall not engage in any act which would constitute the "practice of medicine," as that term is defined in KRS 311.550(10) -- "the diagnosis, treatment, or correction of any and all human conditions, ailments, diseases, injuries, or infirmities by any and all means, methods, devices, or instrumentalities" -- from the date of filing of this Interim Agreed Order until approved to do so by the Inquiry Panel.
2. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.
3. If there is information satisfactory to the Panel or its Chair that the licensee has failed to comply with any condition of this Interim Agreed Order, the Panel or its Chair may immediately terminate this Interim Agreed Order and issue a Complaint and if appropriate, an Emergency Order.
4. While this Interim Agreed Order does not constitute final action on this matter, federal regulations require that it be reported to the National Practitioner's Data Bank. Furthermore, it is subject to release upon request pursuant to the Open Records Act.

5. The licensee understands and agrees that any violation of the terms and conditions of this Interim Agreed Order would constitute a separate violation and may result in disciplinary action against his Kentucky medical license, including revocation, pursuant to KRS 311.595(13).

SO AGREED on this 09 day of April, 2020.

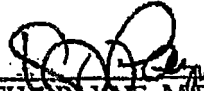
FOR THE LICENSEE:



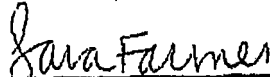
DANIEL GOOD, M.D.

COUNSEL FOR THE LICENSEE
(IF APPLICABLE)

FOR THE BOARD:



KENNETH T. PAYNE, M.D.
CHAIR, INQUIRY PANEL A



SARA FARMER
Assistant General Counsel
Kentucky Board of Medical Licensure
310 Whittington Parkway, Suite 1B
Louisville, Kentucky 40222
(502) 429-7150