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

In the Matter of the Accusation Against: Jessica Fogler Waldura, M.D. Physician's and Surgeon's Certificate No. A 73817 Respondent.	Case No. 800-2020-069859

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 August 25, 2021.

IT IS SO ORDERED August 18, 2021.

MEDICAL BOARD OF CALIFORNIA

William Prasifka
Executive Director

ROB BONTA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
LYNNE K. DOMBROWSKI
Deputy Attorney General
State Bar No. 128080
455 Golden Gate Avenue, Suite 11000
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E-mail: Lynne.Dombrowski@doj.ca.gov
Attorneys for Complainant

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

In the Matter of the Accusation Against: **JESSICA FOGLER WALDURA, M.D.** **141 Wild Way** **Santa Cruz, CA 95065-9636** **Physician's and Surgeon's Certificate No. A 73817** Respondent.	Case No. 800-2020-069859 **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 Lynne K. Dombrowski, Deputy Attorney General.

2. Jessica Fogler Waldura, M.D. (Respondent) is represented in this proceeding by attorney Michael A. Firestone, whose address is: Marvin Firestone MD-JD & Associates, 1700 S. El Camino Real, Suite 408, San Mateo, CA 94402; Email: Michael@LawMDJD.com.

3. On or about January 25, 2001, the Board issued Physician's and Surgeon's Certificate No. A 73817 to Jessica Fogler Waldura, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2020-069859 and will expire on January 31, 2023, unless renewed.

JURISDICTION

4. Accusation No. 800-2020-069859 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on August 2, 2021. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2020-069859 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 Accusation No. 800-2020-069859. 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 her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her 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 Accusation No. 800-2020-069859, agrees that cause exists for discipline and hereby surrenders her Physician's and Surgeon's Certificate No. A 73817 for the Board's formal acceptance.

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9. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Medical Board or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

10. Respondent understands that, by signing this stipulation, she enables the Board to issue an order accepting the surrender of her 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 her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her 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.

12. 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.

13. 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 73817, issued to Respondent Jessica Fogler Waldura, M.D., is surrendered and accepted by the Board.

1. 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.

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

3. 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. The Board finds good cause to permit Respondent to petition for reinstatement of her license after two years have elapsed from the effective date of the Decision accepting the surrender of the license certificate. 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 Accusation No. 800-2020-069859 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

4. 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 Accusation, No. 800-2020-069859 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 Michael A. Firestone. 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: 8/8/2021

JESSICA FOGLER WALDURA, M.D.
Respondent

I have read and fully discussed with Respondent Jessica Fogler Waldura, 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: 8/10/2021

Michael A. Firestone

MICHAEL A. FIRESTONE
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: 08/11/2021

Respectfully submitted,

ROB BONTA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General

Lynne K. Dombrowski

LYNNE K. DOMBROWSKI
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2020-069859

ROB BONTA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
LYNNE K. DOMBROWSKI
Deputy Attorney General
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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 Accusation Against:	Case No. 800-2020-069859
JESSICA FOGLER WALDURA, M.D. **141 Wild Way** **Santa Cruz, CA 95065-9636** **Physician's and Surgeon's Certificate No. A 73817,** Respondent.	**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 January 25, 2001, the Medical Board issued Physician's and Surgeon's Certificate Number A 73817 to Jessica Fogler Waldura, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2023, unless renewed.

3. At all times relevant to the charges brought herein, Respondent was a licensed physician who was board-certified by the American Board of Family Medicine.

INTERIM SUSPENSION ORDER

4. On July 6, 2021, Complainant filed and served on Respondent a Notice of Petition Hearing and Petition for Interim Suspension Order pursuant to Government Code Section 11529; Business and Professions Code Section 822 along with supporting memorandum of points and authorities and a supporting declaration by a Board expert physician.

5. On July 19, 2021, Respondent signed a Stipulation for Interim Order Restricting Medical Practice in which she agreed to be prohibited from the practice of medicine.

6. On July 20, 2021, Administrative Law Judge Jill Schlichtmann issued an Interim Order Suspending License Prior to Hearing against Respondent ("Interim Suspension Order"). Said Interim Order was issued pursuant to the stipulation between the parties. The Interim Suspension Order is currently in effect and will remain in effect until this matter is resolved. A true and correct copy of the fully executed Stipulation and Interim Order are attached hereto as Exhibit A and they are incorporated herein by reference, as if fully set forth.

JURISDICTION

7. 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.

8. 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.

9. 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 section 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.

10. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

11. Section 2228 of the Code states:

The authority of the board . . . to discipline a licensee by placing him or her on probation includes, but is not limited to, the following:

(a) Requiring the licensee to obtain additional professional training and to pass an examination upon the completion of the training. The examination may be written or oral, or both, and may be a practical or clinical examination, or both, at the option of the board or the administrative law judge.

(b) Requiring the licensee to submit to a complete diagnostic examination by one or more physicians and surgeons appointed by the board. If an examination is ordered, the board shall receive and consider any other report of a complete diagnostic examination given by one or more physicians and surgeons of the licensee's choice.

(c) Restricting or limiting the extent, scope, or type of practice of the licensee, including requiring notice to applicable patients that the licensee is unable to perform the indicated treatment, where appropriate.

(d) Providing the option of alternative community service in cases other than violations relating to quality of care.

12. 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.

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.

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14. Health and Safety Code section 11157 states: "No person shall issue a prescription that is false of fictitious in any respect."

15. Health and Safety Code section 11170 prohibits prescribing, administering or furnishing a controlled substance for self-use.

16. Health and Safety Code section 11173 states, in pertinent part:

> "(a) No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.
>
> (b) No person shall make a false statement in any prescription, order, report, or record required by this division . . . ."

FIRST CAUSE FOR DISCIPLINE

(Section 822: Impairment)

17. Respondent Jessica Fogler Waldura, M.D. is subject to disciplinary action under section 822 in that Respondent is unable to practice her profession safely, without certain restrictions and monitoring, due to multiple substance use disorders, particularly a severe Ketamine[1] Use Disorder, in combination with a Bipolar II Disorder[2], as described more fully herein.

18. Starting in or about July 2020, Respondent practiced medicine as the Medical Director of the Alameda County Jail in Dublin, California. Respondent was employed by Wellpath, a company that provides medical and behavioral health professionals' services to local and state government facilities. Respondent began working at the Alameda County Jail in or about May 2015 as an HIV specialist.

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[1] Ketamine is a medication primarily used for starting and maintaining anesthesia. It induces dissociative anesthesia, a trance-like state providing pain relief, sedation, and amnesia. It is a Schedule III controlled substance per the DEA. Recently, ketamine has been used to treat severe depression that has been resistant to other treatments. For clinical use, it is available in a clear liquid form for injection, as a nasal spray, and as sublingual lozenges. It is abused for its hallucinogenic properties and produces effects that are similar to PCP (phencyclidine). Illicit ketamine is available in liquid and powder forms.

[2] Bipolar II Disorder is characterized by cycles of depressive episodes followed by hypomanic periods.

19. On or about August 7, 2020, the Medical Board received an email complaint from a physician employer of Respondent. The complaint reported that, while Respondent was practicing medicine at the Alameda County Jail, she wrote multiple prescriptions for Norco[3] to her mother, using a company's prescription pad which was in violation of company policy. It was also reported that Respondent had a history of substance abuse and that there was concern that she was practicing medicine while impaired. Respondent's boss expressed concerns about her acting differently, that she was found taking naps at a desk, and she was leaving work early.

20. Respondent's employment at the Alameda County Jail was terminated on or about August 5, 2020.

21. On or about August 10, 2020, Respondent entered Kaiser's Intensive Outpatient Program (IOP) for rehabilitation and had 58 days of abstinence before she relapsed.

22. On or about October 12, 2020, Respondent entered an in-patient residential treatment center in Napa, California. The intake assessment reports that Respondent stated that she was using three to four grams of illicit ketamine daily. She was discharged from the residential treatment program on or about November 25, 2020.

23. On March 22, 2021, Respondent signed a Voluntary Agreement for Mental Examination, at the Board's request, in which she agreed to undergo a mental examination, conducted by a board certified psychiatrist, in order to determine whether her ability to practice medicine safely is impaired due to a mental illness.

24. On or about April 16, 2021, Respondent met with a board certified psychiatrist who conducted a mental examination ("physician examiner"). During the mental examination, Respondent admitted to a history of multiple substance use disorders, with periods of abstinence and then relapses. According to the physician examiner, Respondent acknowledged that she is an "addict" and that she did not stop practicing medicine even after she realized her illicit ketamine

[3] Norco is a trade name for hydrocodone bitartrate with acetaminophen, which belongs to the class of medications called analgesics, opioid combos. It is used to treat symptoms of moderate to severe pain. It is a Schedule II controlled substance as defined by section 11055, subdivision (e) of the Health and Safety Code and is a dangerous drug as defined in Business and Professions Code section 4022.

use was out of control. She also admitted that, in the past, she was not honest about her substance use with her rehabilitation treatment providers and her workplace supervisors.

25. On April 21, 2021, Respondent, with her attorney present, was interviewed by a Medical Board Investigator and by a Medical Board District Medical Consultant. During the interview, Respondent provided the following information, among other things:

(a) She had a history of substance abuse (drugs and alcohol) which began when she was a teenager. She had a period of sobriety of about 32 years before suffering a major depression and a relapse that included her self-medicating and use of illicit (not prescribed) ketamine; and,

(b) The five prescriptions for Norco that she issued to her mother in March through July 2020, on a Santa Rita Jail prescription pad, were for her own use. Respondent took the Norco to relieve the great pain in her nose from snorting the ketamine and to soothe the withdrawal cravings.

26. The Board's physician examiner issued a report dated May 7, 2021 that contained his findings, diagnoses, and conclusions after meeting with Respondent and reviewing all records and materials provided by the Board. The physician examiner diagnosed Respondent with a Bipolar II Disorder and with multiple substance use disorders: Ketamine Use Disorder, Severe; Cannabis Use Disorder, Severe – in early remission; Alcohol Use Disorder, Severe – in early remission; Tobacco Use Disorder, Moderate – in early remission; and, an Unspecified Eating Disorder.

27. In determining that Respondent had a severe Ketamine Use Disorder, the physician examiner noted Respondent's history of using illicit ketamine, which started in about October/November 2018 through at least October 11, 2020. The Ketamine Use Disorder was designated to be "severe" because Respondent's history indicated that she used amounts larger than anticipated and that she was unable to control the use. Respondent also continued to use ketamine despite physical and psychological problems, withdrawal, and problems at her job. According to the physician examiner, Respondent's Ketamine Use Disorder is considered to be in early remission because Respondent reported that she has abstained from using illicit ketamine for less than one year and that it has been less than one year since she experienced cravings for

ketamine. Respondent, however, is not being monitored with random and regular laboratory testing at this time to confirm her self-reported abstinence.

28. As stated in his report dated May 7, 2021, the physician examiner finds that Respondent's risk of relapse in substance use is magnified by her co-morbid Bipolar II Disorder, which has been associated with severe anxiety and severely depressed mood states with thoughts of suicide and feelings of hopelessness. These anxious and depressive symptoms, when present, may cause her to overlook the risk of relapse and the consequences of her substance use.

29. Respondent reported to the physician examiner that she is currently not practicing medicine and that she is enrolled in the Kaiser Addiction Medicine Rehabilitation Service (AMRS).

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Gross Negligence, Dishonest Acts, Self-Use of Controlled Substance in a Dangerous Manner and/or to Extent of Impairment to Practice Medicine Safely, and/or Issuing False Prescriptions for Controlled Substances for Self-Use)

30. Respondent Jessica Fogler Waldura, M.D. is subject to disciplinary action for unprofessional conduct, under section 2234, subsections (b) and/or (e), and/or section 2239, subsection (a), and/or violations of Health and Safety Code sections 11157, 11170, and 11173, through gross negligence and/or dishonest acts and/or self-use of controlled substances to the extent or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely, and/or issuing false prescriptions for self-use and obtaining controlled substances by fraud or deceit.

31. Paragraphs 17 through 29 are incorporated by reference as if fully set forth.

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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 73817, issued to Jessica Fogler Waldura, M.D.;

2. Revoking, suspending or denying approval of Jessica Fogler Waldura, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Jessica Fogler Waldura, 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: AUG 0 2 2021

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

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EXHIBIT A:

STIPULATION FOR INTERIM ORDER SUSPENDING LICENSE PRIOR TO HEARING; and INTERIM ORDER [Government Code Section 11529]

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ROB BONTA
Attorney General of California
JANE ZACK SIMON
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LYNNE K. DOMBROWSKI
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Attorneys for Petitioner

BEFORE THE
MEDICAL QUALITY HEARING PANEL
OF THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of the Petition for Interim Suspension Order Against: **JESSICA FOGLER WALDURA, M.D.** **141 Wild Way** **Santa Cruz, CA 95065-9636** **Physician's and Surgeon's Certificate No. A73817** Respondent.	Case No. 800-2020-069859 OAH No. 2021070156 **STIPULATION FOR INTERIM ORDER SUSPENDING LICENSE PRIOR TO HEARING; and INTERIM ORDER [Government Code Section 11529]**

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

1. Petitioner William Prasifka (Petitioner) is the Executive Director of the Medical Board of California, Department of Consumer Affairs, State of California (Board). He brought this action solely in his official capacity and is represented in this matter by his attorney, Rob Bonta, Attorney General of the State of California, by Lynne K. Dombrowski, Deputy Attorney General.

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2. On or about January 25, 2001, the Medical Board of California issued Physician and Surgeon's Certificate Number A73817 to Jessica Fogler Waldura, M.D. (Respondent). The certificate is current and valid with an expiration date of January 31, 2023.

3. On July 6, 2021, Petitioner filed a Notice of Petition Hearing and Petition for Interim Suspension Order against Respondent, along with supporting Memorandum of Points and Authorities, Declaration of Expert Charles Seaman, M.D., and a proposed Interim Order Suspending License Prior to Hearing, pursuant to Government Code Section 11529.

4. Respondent is represented in this proceeding by attorney Michael A. Firestone whose address is: Marvin Firestone MD-JD & Associates, 1700 S. El Camino Real, Suite 408, San Mateo, CA 94402.

5. This Petition for Interim Suspension Order matter is currently set for a remote hearing before the Medical Quality Hearing Panel of the Office of Administrative Hearings, Oakland, California, at 1:00 p.m. on July 26, 2021.

6. The parties have reached an agreement as to the Petition for Interim Suspension Order against Respondent's Physician and Surgeon's Certificate. Respondent willingly enters into this Stipulation with full understanding of its terms and restrictions. In order to avoid the time and expense of a hearing on the Petition for Interim Suspension Order, Respondent stipulates and agrees that, at a hearing on the Petition, Petitioner could establish a factual basis for the issuance of an interim order of suspension. Respondent therefore stipulates and agrees that the Medical Quality Hearing Panel of the Office of Administrative Hearings has jurisdiction and, without further proceedings, may issue the attached interim order which provides that Respondent's Physician's and Surgeon's Certificate No. A73817 shall be immediately suspended, and Respondent shall be restrained and prohibited from practicing as a physician and surgeon.

7. Respondent understands that the interim suspension order shall remain in force and effect until such time as the Medical Board of California shall have issued and adopted a final decision on the Accusation to be filed pursuant to the provisions of Government Code sections 11503 and 11505.

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8. Respondent is aware of her rights under California Government Code section 11529 to a noticed hearing on a petition for an interim order of suspension, which include the right to be represented by counsel at her own expense, to have a record made of the proceedings, to present affidavits and other documentary evidence, and to present oral argument. Respondent hereby knowingly and voluntarily waives each of these rights set forth above.

9. It is agreed that a facsimile, PDF, or other electronic copies of signatures to this stipulation shall be binding as originals, and that this stipulation may be signed in counterpart.

IT IS SO STIPULATED.

DATED: July ____, 2021

JESSICA FOGLER WALDURA, M.D.
Respondent

I have read and fully discussed the terms of this Stipulation with my client, Jessica Fogler Waldura, M.D. and I approve its form and content.

DATED: July ____, 2021

MICHAEL A. FIRESTONE, J.D.
Attorney for Respondent

IT IS SO STIPULATED.

DATED: July 19, 2021

ROB BONTA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General

Lynne Dombrowski

LYNNE K. DOMBROWSKI
Deputy Attorney General
Attorneys for Petitioner

8. Respondent is aware of her rights under California Government Code section 11529 to a noticed hearing on a petition for an interim order of suspension, which include the right to be represented by counsel at her own expense, to have a record made of the proceedings, to present affidavits and other documentary evidence, and to present oral argument. Respondent hereby knowingly and voluntarily waives each of these rights set forth above.

9. It is agreed that a facsimile, PDF, or other electronic copies of signatures to this stipulation shall be binding as originals, and that this stipulation may be signed in counterpart.

IT IS SO STIPULATED.

DATED: July 19, 2021

JESSICA FOGLER WALDURA, M.D.
Respondent

I have read and fully discussed the terms of this Stipulation with my client, Jessica Fogler Waldura, M.D. and I approve its form and content.

DATED: July 19, 2021

MICHAEL A. TYRESTONE, J.D.
Attorney for Respondent

IT IS SO STIPULATED.

DATED: July ____, 2021

ROB BONTA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General

LYNNE K. DOMBROWSKI
Deputy Attorney General
Attorneys for Petitioner

INTERIM ORDER SUSPENDING LICENSE PRIOR TO HEARING

Pursuant to the foregoing Stipulation, and good cause appearing,

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 73817 issued to Respondent Jessica Folger Waldura, M.D. shall be and hereby is SUSPENDED.

Respondent shall be and hereby is immediately restrained and prohibited from:

(a) Practicing or attempting to practice as a physician and surgeon;

(b) Possessing, prescribing, dispensing, furnishing, administering, or otherwise distributing, any controlled substance or any dangerous drug; and,

(c) Possessing or holding physician's and surgeon's wall and/or wallet certificates, any and all controlled substance and/or dangerous drug prescription forms, Drug Enforcement Administration (DEA) Drug Order Forms, and any and all DEA permits, which documents shall be surrendered by Dr. Waldura to the Medical Board of California, or its designated representative, for safekeeping upon demand, pending further order in this matter.

IT IS FURTHER ORDERED that this Interim Order of Suspension shall remain in force and effect until such time as the Medical Board issues and adopts a final decision on the accusation to be filed in this matter. Unless otherwise agreed to by the parties, an accusation in this matter shall be filed within 30 days of this date, pursuant to the provisions of Government Code sections 11503 and 11505.

This Order shall be deemed served upon Respondent upon service by facsimile or via overnight delivery to Respondent's attorney, Michael A. Firestone. The Order shall also be served by regular mail upon Respondent at her address of record with the Board.

IT IS SO ORDERED ON this date of July 20, 2021.

Jill Schlichtmann
ADMINISTRATIVE LAW JUDGE
MEDICAL QUALITY HEARING PANEL