

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

**In the Matter of the Statement of
Issues Against:**

Danielle Marie Fam

Case No.: 800-2020-065640

Applicant.

DECISION

The attached Stipulated Settlement and Disciplinary 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 November 12, 2021.

IT IS SO ORDERED: October 13, 2021.

MEDICAL BOARD OF CALIFORNIA



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

1 ROB BONTA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 JASON J. AHN
Deputy Attorney General
4 State Bar No. 253172
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9433
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Statement of Issues
Against:

15 **Danielle Marie Fam**

16 Applicant.

Case No. 800-2020-065640

OAH No. 2020080136

17 **STIPULATED SETTLEMENT AND**
18 **DISCIPLINARY ORDER**

19 **PARTIES**

20 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
21 California (Board). He brought this action solely in his official capacity and is represented in this
22 matter by Matthew Rodriguez, Acting Attorney General of the State of California, by Jason J.
23 Ahn, Deputy Attorney General.

24 2. Applicant Danielle Marie Fam (Applicant) is represented in this proceeding by
25 attorney David Rosenberg, Esq., whose address is: 10815 Rancho Bernardo Road, Suite 310
26 San Diego, CA 92127.

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3. On or about February 3, 2019, Applicant filed an application dated February 3, 2019, with the Medical Board of California to obtain a physician's and surgeon's certificate.

JURISDICTION

4. The Statement of Issues No. 800-2020-065640 was filed before the Board, and is currently pending against Applicant. The Statement of Issues and all other statutorily required documents were properly served on Applicant on June 29, 2020. A copy of Statement of Issues No. 800-2020-065640 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Applicant has carefully read, fully discussed with counsel, and fully understands the charges and allegations in Statement of Issues No. 800-2020-065640. Applicant has also carefully read, fully discussed with her counsel, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Applicant is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; 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. Applicant voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Applicant fully understands and fully agrees that the charges and allegations in Statement of Issues No. 800-2020-065640, if proven at a hearing, constitute cause for denying her application for a physician's and surgeon's certificate. Applicant fully agrees that, at a hearing, Complainant could establish a prima facie case or factual basis for the charges in the Statement of Issues, and that Applicant hereby gives up her right to contest those charges.

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9. Applicant fully agrees that her application for a physician's and surgeon's certificate is subject to denial and fully agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

10. This stipulation shall be subject to approval by the Medical Board of California. Applicant understands and fully agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Applicant or her counsel. By signing the stipulation, Applicant understands and fully 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 Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. Applicant agrees that if she ever petitions for early termination or modification of probation, or if an accusation and/or petition to revoke probation is filed against her before the Board, all of the charges and allegations contained in Statement of Issues No. 800-2020-065640 shall be deemed true, correct and fully admitted by Applicant for purposes of any such proceeding or any other licensing proceeding involving Applicant in the State of California.

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.

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 the Board may, without further notice to or opportunity to be heard by Applicant, issue and enter

1 the following Disciplinary Order:

2 **DISCIPLINARY ORDER**

3 IT IS HEREBY ORDERED that Applicant Danielle Marie Fam' physician's and surgeon's
4 certificate will be issued and immediately revoked. However, revocation is stayed and Applicant
5 is placed on probation five (5) years upon the following terms and conditions:

6 1. **CONTROLLED SUBSTANCES - ABSTAIN FROM USE.** Respondent shall abstain
7 completely from the personal use or possession of controlled substances as defined in the
8 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and
9 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not
10 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide
11 illness or condition.

12 Within 15 calendar days of receiving any lawfully prescribed medications, Respondent
13 shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone
14 number; medication name, strength, and quantity; and issuing pharmacy name, address, and
15 telephone number.

16 2. **ALCOHOL - ABSTAIN FROM USE.** Applicant shall abstain completely from the
17 use of products or beverages containing alcohol.

18 3. **CLINICAL DIAGNOSTIC EVALUATIONS AND REPORTS:** Within thirty (30)
19 calendar days of the effective date of this Decision, and on whatever periodic basis thereafter as
20 may be required by the Board or its designee, Applicant shall undergo and complete a clinical
21 diagnostic evaluation, including any and all testing deemed necessary, by a Board-appointed
22 board certified physician and surgeon. The examiner shall consider any information provided by
23 the Board or its designee and any other information he or she deems relevant, and shall furnish a
24 written evaluation report to the Board or its designee.

25 The clinical diagnostic evaluation shall be conducted by a licensed physician and surgeon
26 who holds a valid, unrestricted license, has three (3) years' experience in providing evaluations of
27 physicians and surgeons with substance abuse disorders, and is approved by the Board or its
28 designee. The clinical diagnostic evaluation shall be conducted in accordance with acceptable

1 professional standards for conducting substance abuse clinical diagnostic evaluations. The
2 evaluator shall not have a current or former financial, personal, or business relationship with
3 Applicant within the last five (5) years. The evaluator shall provide an objective, unbiased, and
4 independent evaluation. The clinical diagnostic evaluation report shall set forth, in the
5 evaluator's opinion, whether Applicant has a substance abuse problem, whether Applicant is a
6 threat to herself or others, and recommendations for substance abuse treatment, practice
7 restrictions, or other recommendations related to Applicant's rehabilitation and ability to practice
8 safely. If the evaluator determines during the evaluation process that Applicant is a threat to
9 herself or others, the evaluator shall notify the Board within twenty-four (24) hours of such a
10 determination.

11 In formulating his or her opinion as to whether Applicant is safe to return to either part-time
12 or full-time practice and what restrictions or recommendations should be imposed, including
13 participation in an inpatient or outpatient treatment program, the evaluator shall consider the
14 following factors: Applicant's license type; Applicant's history; Applicant's documented length
15 of sobriety (i.e., length of time that has elapsed since Applicant's last substance use); Applicant's
16 scope and pattern of substance abuse; Applicant's treatment history, medical history and current
17 medical condition; the nature, duration and severity of Applicant's substance abuse problem or
18 problems; and whether Applicant is a threat to herself or the public.

19 For all clinical diagnostic evaluations, a final written report shall be provided to the Board
20 no later than ten (10) days from the date the evaluator is assigned the matter. If the evaluator
21 requests additional information or time to complete the evaluation and report, an extension may
22 be granted, but shall not exceed thirty (30) days from the date the evaluator was originally
23 assigned the matter.

24 The Board shall review the clinical diagnostic evaluation report within five (5) business
25 days of receipt to determine whether Applicant is safe to return to either part-time or full-time
26 practice and what restrictions or recommendations shall be imposed on Applicant based on the
27 recommendations made by the evaluator. Applicant shall not be returned to practice until she has
28 at least thirty (30) days of negative biological fluid tests or biological fluid tests indicating that

1 she has not used, consumed, ingested, or administered to herself a prohibited substance, as
2 defined in section 1361.51, subdivision (e), of Title 16 of the California Code of Regulations.

3 Clinical diagnostic evaluations conducted prior to the effective date of this Decision shall
4 not be accepted towards the fulfillment of this requirement. The cost of the clinical diagnostic
5 evaluation, including any and all testing deemed necessary by the examiner, the Board or its
6 designee, shall be borne by the Applicant.

7 Applicant shall not engage in the practice of medicine until notified by the Board or its
8 designee that he or she is fit to practice medicine safely. The period of time that Applicant is not
9 practicing medicine shall not be counted toward completion of the term of probation. Applicant
10 shall undergo biological fluid testing as required in this Decision at least two (2) times per week
11 while awaiting the notification from the Board if he or she is fit to practice medicine safely.

12 Applicant shall comply with all restrictions or conditions recommended by the examiner
13 conducting the clinical diagnostic evaluation within fifteen (15) calendar days after being notified
14 by the Board or its designee.

15 4. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)
16 days of the effective date of this Decision, Applicant shall provide to the Board the names,
17 physical addresses, mailing addresses, and telephone numbers of any and all employers and
18 supervisors. Applicant shall also provide specific, written consent for the Board, Applicant's
19 worksite monitor, and Applicant's employers and supervisors to communicate regarding
20 Applicant's work status, performance, and monitoring.

21 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or
22 Well Being Committee Chair, or equivalent, if applicable, when the Applicant has medical staff
23 privileges.

24 5. BIOLOGICAL FLUID TESTING. Applicant shall immediately submit to biological
25 fluid testing, at Applicant's expense, upon request of the Board or its designee. "Biological fluid
26 testing" may include, but is not limited to, urine, blood, breathalyzer, hair follicle testing, or
27 similar drug screening approved by the Board or its designee. Applicant shall make daily contact
28 with the Board or its designee to determine whether biological fluid testing is required. Applicant

1 shall be tested on the date of the notification as directed by the Board or its designee. The Board
2 may order an Applicant to undergo a biological fluid test on any day, at any time, including
3 weekends and holidays. Except when testing on a specific date as ordered by the Board or its
4 designee, the scheduling of biological fluid testing shall be done on a random basis. The cost of
5 biological fluid testing shall be borne by the Applicant.

6 During the first year of probation, Applicant shall be subject to 52 to 104 random tests.
7 During the second year of probation and for the duration of the probationary term, up to five (5)
8 years, Applicant shall be subject to 36 to 104 random tests per year. Only if there has been no
9 positive biological fluid tests in the previous five (5) consecutive years of probation, may testing
10 be reduced to one (1) time per month. Nothing precludes the Board from increasing the number
11 of random tests to the first-year level of frequency for any reason.

12 Prior to practicing medicine, Applicant shall contract with a laboratory or service, approved
13 in advance by the Board or its designee, that will conduct random, unannounced, observed,
14 biological fluid testing and meets all of the following standards:

15 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry
16 Association or have completed the training required to serve as a collector for the United
17 States Department of Transportation.

18 (b) Its specimen collectors conform to the current United States Department of
19 Transportation Specimen Collection Guidelines.

20 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published
21 by the United States Department of Transportation without regard to the type of test
22 administered.

23 (d) Its specimen collectors observe the collection of testing specimens.

24 (e) Its laboratories are certified and accredited by the United States Department of Health
25 and Human Services.

26 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day
27 of receipt and all specimens collected shall be handled pursuant to chain of custody
28 procedures. The laboratory shall process and analyze the specimens and provide legally

1 defensible test results to the Board within seven (7) business days of receipt of the
2 specimen. The Board will be notified of non-negative results within one (1) business day
3 and will be notified of negative test results within seven (7) business days.

4 (g) Its testing locations possess all the materials, equipment, and technical expertise
5 necessary in order to test Applicant on any day of the week.

6 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens
7 for the detection of alcohol and illegal and controlled substances.

8 (i) It maintains testing sites located throughout California.

9 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line
10 computer database that allows the Applicant to check in daily for testing.

11 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff
12 access to drug test results and compliance reporting information that is available 24 hours a
13 day.

14 (l) It employs or contracts with toxicologists that are licensed physicians and have
15 knowledge of substance abuse disorders and the appropriate medical training to interpret
16 and evaluate laboratory biological fluid test results, medical histories, and any other
17 information relevant to biomedical information.

18 (m) It will not consider a toxicology screen to be negative if a positive result is obtained
19 while practicing, even if the Applicant holds a valid prescription for the substance.

20 Prior to changing testing locations for any reason, including during vacation or other travel,
21 alternative testing locations must be approved by the Board and meet the requirements above.

22 The contract shall require that the laboratory directly notify the Board or its designee of
23 non-negative results within one (1) business day and negative test results within seven (7)
24 business days of the results becoming available. Applicant shall maintain this laboratory or
25 service contract during the period of probation.

26 A certified copy of any laboratory test result may be received in evidence in any
27 proceedings between the Board and Applicant.

28 If a biological fluid test result indicates Applicant has used, consumed, ingested, or

1 administered to herself a prohibited substance, the Board shall order Applicant to cease practice
2 and instruct Applicant to leave any place of work where Applicant is practicing medicine or
3 providing medical services. The Board shall immediately notify all of Applicant's employers,
4 supervisors and work monitors, if any, that Applicant may not practice medicine or provide
5 medical services while the cease-practice order is in effect.

6 A biological fluid test will not be considered negative if a positive result is obtained while
7 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited
8 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

9 After the issuance of a cease-practice order, the Board shall determine whether the positive
10 biological fluid test is in fact evidence of prohibited substance use by consulting with the
11 specimen collector and the laboratory, communicating with the licensee, her treating physician(s),
12 other health care provider, or group facilitator, as applicable.

13 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the
14 acquisition and chemical analysis of Applicant's urine, blood, breath, or hair.

15 For purposes of this condition, the term "prohibited substance" means an illegal drug, a
16 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by
17 Applicant and approved by the Board, alcohol, or any other substance the Applicant has been
18 instructed by the Board not to use, consume, ingest, or administer to herself.

19 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited
20 substance, Applicant has committed a major violation, as defined in section 1361.52(a), and the
21 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to
22 any other terms or conditions the Board determines are necessary for public protection or to
23 enhance Applicant's rehabilitation.

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1 6. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within thirty
2 (30) calendar days of the effective date of this Decision, Applicant shall submit to the Board or its
3 designee for prior approval as a worksite monitor, the name and qualifications of one or more
4 licensed physician and surgeon, other licensed health care professional if no physician and
5 surgeon is available, or, as approved by the Board or its designee, a person in a position of
6 authority who is capable of monitoring the Applicant at work.

7 The worksite monitor shall not have a current or former financial, personal, or familial
8 relationship with Applicant, or any other relationship that could reasonably be expected to
9 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its
10 designee. If it is impractical for anyone but Applicant's employer to serve as the worksite
11 monitor, this requirement may be waived by the Board or its designee, however, under no
12 circumstances shall Applicant's worksite monitor be an employee or supervisee of the licensee.

13 The worksite monitor shall have an active unrestricted license with no disciplinary action
14 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms
15 and conditions of Applicant's disciplinary order and agrees to monitor Applicant as set forth by
16 the Board or its designee.

17 Applicant shall pay all worksite monitoring costs.

18 The worksite monitor shall have face-to-face contact with Applicant in the work
19 environment on as frequent a basis as determined by the Board or its designee, but not less than
20 once per week; interview other staff in the office regarding Applicant's behavior, if requested by
21 the Board or its designee; and review Applicant's work attendance.

22 The worksite monitor shall verbally report any suspected substance abuse to the Board and
23 Applicant's employer or supervisor within one (1) business day of occurrence. If the suspected
24 substance abuse does not occur during the Board's normal business hours, the verbal report shall
25 be made to the Board or its designee within one (1) hour of the next business day. A written
26 report that includes the date, time, and location of the suspected abuse; Applicant's actions; and
27 any other information deemed important by the worksite monitor shall be submitted to the Board
28 or its designee within 48 hours of the occurrence.

1 The worksite monitor shall complete and submit a written report monthly or as directed by
2 the Board or its designee which shall include the following: (1) Applicant's name and Physician's
3 and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3) the
4 worksite monitor's license number, if applicable; (4) the location or location(s) of the worksite;
5 (5) the dates Applicant had face-to-face contact with the worksite monitor; (6) the names of
6 worksite staff interviewed, if applicable; (7) a report of Applicant's work attendance; (8) any
7 change in Applicant's behavior and/or personal habits; and (9) any indicators that can lead to
8 suspected substance abuse by Applicant. Applicant shall complete any required consent forms
9 and execute agreements with the approved worksite monitor and the Board, or its designee,
10 authorizing the Board, or its designee, and worksite monitor to exchange information.

11 If the worksite monitor resigns or is no longer available, Applicant shall, within five (5)
12 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior
13 approval, the name and qualifications of a replacement monitor who will be assuming that
14 responsibility within fifteen (15) calendar days. If Applicant fails to obtain approval of a
15 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the
16 monitor, Applicant shall receive a notification from the Board or its designee to cease the practice
17 of medicine within three (3) calendar days after being so notified. Applicant shall cease the
18 practice of medicine until a replacement monitor is approved and assumes monitoring
19 responsibility.

20 7. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING
21 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of
22 probation.

23 A. If Applicant commits a major violation of probation as defined by section 1361.52,
24 subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take one or
25 more of the following actions:

26 (1) Issue an immediate cease-practice order and order Applicant to undergo a clinical
27 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
28 Title 16 of the California Code of Regulations, at Applicant's expense. The cease-practice order

1 issued by the Board or its designee shall state that Applicant must test negative for at least a
2 month of continuous biological fluid testing before being allowed to resume practice. For
3 purposes of determining the length of time an Applicant must test negative while undergoing
4 continuous biological fluid testing following issuance of a cease-practice order, a month is
5 defined as thirty calendar (30) days. Applicant may not resume the practice of medicine until
6 notified in writing by the Board or its designee that he or she may do so.

7 (2) Increase the frequency of biological fluid testing.

8 (3) Refer Applicant for further disciplinary action, such as suspension, revocation, or other
9 action as determined by the Board or its designee.

10 B. If Applicant commits a minor violation of probation as defined by section 1361.52,
11 subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take one or
12 more of the following actions:

13 (1) Issue a cease-practice order;

14 (2) Order practice limitations;

15 (3) Order or increase supervision of Applicant;

16 (4) Order increased documentation;

17 (5) Issue a citation and fine, or a warning letter;

18 (6) Order Applicant to undergo a clinical diagnostic evaluation to be conducted in
19 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of
20 Regulations, at Applicant's expense;

21 (7) Take any other action as determined by the Board or its designee.

22 C. Nothing in this Decision shall be considered a limitation on the Board's authority
23 to revoke Applicant's probation if she has violated any term or condition of probation. If
24 Applicant violates probation in any respect, the Board, after giving Applicant notice and the
25 opportunity to be heard, may revoke probation and carry out the disciplinary order that was
26 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed
27 against Applicant during probation, the Board shall have continuing jurisdiction until the matter is
28 final, and the period of probation shall be extended until the matter is final.

1 8. NOTIFICATION. Within seven (7) days of the effective date of this Decision,
2 Applicant shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
3 Chief Executive Officer at every hospital where privileges or membership are extended to
4 Applicant, at any other facility where Applicant engages in the practice of medicine, including all
5 physician and locum tenens registries or other similar agencies, and to the Chief Executive
6 Officer at every insurance carrier which extends malpractice insurance coverage to Applicant.
7 Applicant shall submit proof of compliance to the Board or its designee within 15 calendar days.

8 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

9 9. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
10 NURSES. During probation, Applicant is prohibited from supervising physician assistants and
11 advanced practice nurses.

12 10. OBEY ALL LAWS. Applicant shall obey all federal, state and local laws, all rules
13 governing the practice of medicine in California and remain in full compliance with any court
14 ordered criminal probation, payments, and other orders.

15 11. QUARTERLY DECLARATIONS. Applicant shall submit quarterly declarations
16 under penalty of perjury on forms provided by the Board, stating whether there has been
17 compliance with all the conditions of probation.

18 Applicant shall submit quarterly declarations not later than 10 calendar days after the end of
19 the preceding quarter.

20 12. GENERAL PROBATION REQUIREMENTS.

21 Compliance with Probation Unit

22 Applicant shall comply with the Board's probation unit.

23 Address Changes

24 Applicant shall, at all times, keep the Board informed of Applicant's business and residence
25 addresses, email address (if available), and telephone number. Changes of such addresses shall
26 be immediately communicated in writing to the Board or its designee. Under no circumstances
27 shall a post office box serve as an address of record, except as allowed by Business and
28 Professions Code section 2021, subdivision (b).

1 Place of Practice

2 Applicant shall not engage in the practice of medicine in Applicant's or patient's place of
3 residence, unless the patient resides in a skilled nursing facility or other similar licensed facility.

4 License Renewal

5 Applicant shall maintain a current and renewed California physician's and surgeon's
6 license.

7 Travel or Residence Outside California

8 Applicant shall immediately inform the Board or its designee, in writing, of travel to any
9 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
10 (30) calendar days.

11 In the event Applicant should leave the State of California to reside or to practice,
12 Applicant shall notify the Board or its designee in writing 30 calendar days prior to the dates of
13 departure and return.

14 13. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Applicant shall be
15 available in person upon request for interviews either at Applicant's place of business or at the
16 probation unit office, with or without prior notice throughout the term of probation.

17 14. NON-PRACTICE WHILE ON PROBATION. Applicant shall notify the Board or its
18 designee in writing within 15 calendar days of any periods of non-practice lasting more than 30
19 calendar days and within 15 calendar days of Applicant's return to practice. Non-practice is
20 defined as any period of time Applicant is not practicing medicine as defined in Business and
21 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
22 patient care, clinical activity or teaching, or other activity as approved by the Board. If Applicant
23 resides in California and is considered to be in non-practice, Applicant shall comply with all
24 terms and conditions of probation. All time spent in an intensive training program which has
25 been approved by the Board or its designee shall not be considered non-practice and does not
26 relieve Applicant from complying with all the terms and conditions of probation. Practicing
27 medicine in another state of the United States or Federal jurisdiction while on probation with the
28 medical licensing authority of that state or jurisdiction shall not be considered non-practice. A

1 Board-ordered suspension of practice shall not be considered as a period of non-practice.

2 In the event Applicant's period of non-practice while on probation exceeds 18 calendar
3 months, Applicant shall successfully complete the Federation of State Medical Boards' Special
4 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
5 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model
6 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

7 Applicant's period of non-practice while on probation shall not exceed two (2) years.

8 Periods of non-practice will not apply to the reduction of the probationary term.

9 Periods of non-practice for Applicant residing outside of California will relieve Applicant
10 of the responsibility to comply with the probationary terms and conditions with the exception of
11 this condition and the following terms and conditions of probation: Obey All Laws; General
12 Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and
13 Controlled Substances; and Biological Fluid Testing.

14 15. COMPLETION OF PROBATION. Applicant shall comply with all financial
15 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
16 completion of probation. Upon successful completion of probation, Applicant's certificate shall
17 be fully restored.

18 16. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
19 of probation is a violation of probation. If Applicant violates probation in any respect, the Board,
20 after giving Applicant notice and the opportunity to be heard, may revoke probation and carry out
21 the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation, or an
22 Interim Suspension Order is filed against Applicant during probation, the Board shall have
23 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
24 the matter is final.

25 17. LICENSE SURRENDER. Following the effective date of this Decision, if Applicant
26 ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the terms
27 and conditions of probation, Applicant may request to surrender his or her license. The Board
28 reserves the right to evaluate Applicant's request and to exercise its discretion in determining

1 whether or not to grant the request, or to take any other action deemed appropriate and reasonable
2 under the circumstances. Upon formal acceptance of the surrender, Applicant shall within 15
3 calendar days deliver Applicant's wallet and wall certificate to the Board or its designee and
4 Applicant shall no longer practice medicine. Applicant will no longer be subject to the terms and
5 conditions of probation. If Applicant re-applies for a medical license, the application shall be
6 treated as a petition for reinstatement of a revoked certificate.

7 18. PROBATION MONITORING COSTS. Applicant shall pay the costs associated with
8 probation monitoring each and every year of probation, as designated by the Board, which may be
9 adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and
10 delivered to the Board or its designee no later than January 31 of each calendar year.

11 19. FUTURE ADMISSIONS CLAUSE. If Applicant should ever apply or reapply for a
12 new license or certification, or petition for reinstatement of a license, by any other health care
13 licensing action agency in the State of California, all of the charges and allegations contained in
14 Statement of Issues No. 800-2020-065640 shall be deemed to be true, correct, and admitted by
15 Applicant for the purpose of any Statement of Issues or any other proceeding seeking to deny or
16 restrict license.

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1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, David Rosenberg, Esq. I fully understand the stipulation and the
4 effect it will have on my physician's and surgeon's license. I enter into this Stipulated Settlement
5 and Disciplinary Order voluntarily, knowingly, and intelligently, and fully agree to be bound by
6 the Decision and Order of the Medical Board of California.

7
8 DATED: 10 / 11 / 2021

Danielle M Fam, MD

9 DANIELLE MARIE FAM
10 Applicant

11
12 I have read and fully discussed with Applicant Danielle Marie Fam the terms and
13 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
14 I approve its form and content.

15
16 DATED: 10/11/21

DR
17 DAVID ROSENBERG, ESQ.
18 Attorney for Applicant
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1 **ENDORSEMENT**

2 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
3 submitted for consideration by the Medical Board of California.

4
5 DATED: October 11, 2021

Respectfully submitted,

6 ROB BONTA
7 Attorney General of California
8 MATTHEW M. DAVIS
9 Supervising Deputy Attorney General

10 *Jason Ahn*

11 JASON J. AHN
12 Deputy Attorney General
13 *Attorneys for Complainant*

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Exhibit A

Statement of Issues No. 800-2020-065640

1 XAVIER BECERRA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 JASON J. AHN
Deputy Attorney General
4 State Bar No. 253172
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9433
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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

12 In the Matter of the Statement of Issues
13 Against:

Case No. 800-2020-065640

14 **Danielle Marie Fam**

STATEMENT OF ISSUES

15 Applicant.
16

17 **PARTIES**

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

21 2. On or about February 3, 2019, the Medical Board of California, Department of
22 Consumer Affairs received an application for Physician's and Surgeon's license from Danielle
23 Marie Fam (Applicant). On or about January 26, 2019, Danielle Marie Fam certified under
24 penalty of perjury to the truthfulness of all statements, answers, and representations in the
25 application. The Board denied the application on February 5, 2020.

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JURISDICTION

3. This Statement of Issues is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 475 of the Code states:

“(a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

“...”

“(2) Conviction of a crime.

“(3) Commission of any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another.

“(4) Commission of any act which, if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

“...”

5. Section 480 of the Code states:

“(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

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

“(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

“(3)(A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

“(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

“...”

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1 6. Section 2221, subdivision (a) of the Code states, in part:

2 “(a) The board may deny a physician’s and surgeon’s certificate to an applicant guilty of
3 unprofessional conduct or of any cause that would subject a licensee to revocation or suspension
4 of his or her license. The board in its sole discretion, may issue a probationary physician’s and
5 surgeon’s certificate to an applicant subject to [various terms and conditions].”

6 7. Section 2234 of the Code states, in relevant part:

7 “The board shall take action against any licensee who is charged with
8 unprofessional conduct. In addition to other provisions of this article, unprofessional
9 conduct includes, but is not limited to, the following:

10 “(a) Violating or attempting to violate, directly or indirectly, assisting in or
11 abetting the violation of, or conspiring to violate any provision of this chapter.

12 “...

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

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

17 “...”

18 8. Section 2236 of the Code states, in part:

19 “(a) The conviction of any offense substantially related to the qualifications,
20 functions, or duties of a physician and surgeon constitutes unprofessional conduct within
21 the meaning of this chapter. The record of conviction shall be conclusive evidence only of
22 the fact that the conviction occurred.”

23 “...”

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

27 9. Section 2238 of the Code states:

28 “A violation of any federal statute or federal regulation or any of the statutes
or regulations of this state regulating dangerous drugs or controlled substances
constitutes unprofessional conduct.”

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10. Section 2239 of the Code states, in relevant part:

“(a) The use or prescribing for or administering to himself or herself, of any controlled substance; or the use of any ... 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.¹

“...”

11. Section 141 of the Code states:

“(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.”

12. Section 2305 of the Code states:

“The revocation, suspension, or other discipline, restriction, or limitation imposed by another state upon a license or certificate 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 of a licensee under this chapter [Chapter 5, the Medical Practice Act], shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state.”

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¹ There is a nexus between a physician's use of alcoholic beverages and his or her fitness to practice medicine, established by the Legislature in section 2239, “in all cases where a licensed physician used alcoholic beverages to the extent or in such a manner as to pose a danger to himself or others.” (*Watson v. Superior Court (Medical Board)* (2009) 176 Cal.App.4th 1407, 1411.) The *Watson* court further held that professional discipline for conduct that did not lead to a criminal conviction did not violate a physician's due process right to notice of what conduct would lead to discipline. (Id. at pp. 1423, 1424.)

13. Section 11377 of the California Health and Safety Code states, in relevant part:

(a) Except as authorized by law and as otherwise provided in subdivision (b) or Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses any controlled substance which is (1) classified in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished by imprisonment in a county jail for a period of not more than one year, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 of the Penal Code if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code.

“...”

14. Section 11055 of the California Health and Safety Code states, in relevant part:

(a) The controlled substances listed in this section are included in Schedule II.

“...”

(d) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers.

“...”

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

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

1 16. Section 2228.1 of the Code states, in part:

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

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

13 "..."

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

16 "..."

17 17. Unprofessional conduct under Business and Professions Code section 2234 is
18 conduct which breaches the rules or ethical code of the medical profession; or conduct which is
19 unbecoming a member in good standing of the medical profession, and which demonstrates an
20 unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564,
21 575.)

22 STATEMENT OF FACTS

23 18. On or about July 6, 2010, Applicant was issued intern/resident license number 0116-
24 023023 by the Virginia Board of Medicine (VBM) to practice medicine and surgery in the
25 Commonwealth of Virginia, with an expiration date of June 30, 2012.

26 19. From on or about July 1, 2010 through December 31, 2014, Applicant completed an
27 approved Accreditation Council of Graduate Medical Education (ACGME)² program in internal
28 medicine. During her second year of training, Applicant was placed on probation due to
inappropriate use of prescription drugs. No formal charges were filed by the VBM. Applicant
entered into a recovery monitoring contract with the Virginia Health Practitioners' Monitoring

² Accreditation Council for Graduate Medical Education (ACGME) is the body
responsible for accrediting all graduate medical training programs for physicians in the United
States.

1 Program (HPMP). While participating in the HPMP program, Applicant was dismissed from the
2 residency program. After completion of the HPMP requirements, Applicant was deemed fit to
3 return to duty. Applicant was reinstated into the residency program as an intern for six (6)
4 months before continuing her second year of training. No further concerns, academic or
5 behavioral, were noted and Applicant successfully completed the residency program on or about
6 December 31, 2014.

7 20. In or about July 2010, Applicant obtained 210 dosage units of Adderall³ for her
8 personal and unauthorized use by forging prescriptions and the signatures of three (3) different
9 physicians. This constitutes a violation of California Health and Safety Code, Section 11377,
10 subdivision (a), possession of a controlled substance, to wit, amphetamine (Adderall).

11 21. On or about August 17, 2011, Applicant entered the HPMP and signed a Participation
12 Contract. Thereafter, Applicant began an intensive outpatient treatment program. As part of this
13 program, Applicant was required to attend two (2) three-hour counseling sessions per week with a
14 therapist, attend two (2) NA⁴ or AA⁵ meetings per week and complete required addiction-related
15 projects.

16 22. On or about August 21, 2011, via an e-mail to the Virginia Department of Health
17 Professions, applicant self-reported her prescription forgeries described in paragraph 20, above,
18 and Applicant's addiction to Adderall.

19 23. On or about November 7, 2011, Applicant attended HPMP orientation and signed a
20 Recovery Monitoring Contract. When asked at orientation to report her last use of alcohol,

21 ³ Adderall®, a mixture of d-amphetamine and l-amphetamine salts in a ratio of 3:1, is a
22 central nervous system stimulant of the amphetamine class, and is a Schedule II controlled
23 substance pursuant to Health and Safety Code section 11055, subdivision (d), and a dangerous
24 drug pursuant to Business and Professions Code section 4022. When properly prescribed and
25 indicated, it is used for attention-deficit hyperactivity disorder and narcolepsy. According to the
26 DEA, amphetamines, such as Adderall®, are considered a drug of abuse. "The effects of
27 amphetamines and methamphetamine are similar to cocaine, but their onset is slower and their
28 duration is longer." (Drugs of Abuse – A DEA Resource Guide (2011), at p. 44.) Adderall and
other stimulants are contraindicated for patients with a history of drug abuse.

⁴ Narcotics Anonymous (NA) is a non-profit fellowship or society of men and women for
whom drugs had become a major problem.

⁵ Alcoholics Anonymous (AA) is an international mutual aid fellowship with the stated
purpose of enabling its members to stay sober and help other alcoholics achieve sobriety.

1 applicant stated that it was October 1, 2011. However, Applicant's therapist indicated that the
2 date of Applicant's last use of alcohol was around October 27, 2011, as proven by the fact that
3 applicant tested positive for alcohol via a urine screen on or about that date. As a result, HPMP
4 placed Applicant on warning status due to her "continued use of substance after signing her
5 Participation Contract and failing to be open about the information." Applicant was required to
6 extend her intensive outpatient program sessions.

7 24. On or about November 7, 2011, Applicant was indicted by the grand jurors of the
8 Commonwealth of Virginia in the City of Virginia Beach, Circuit Court of the City of Virginia
9 Beach, as follows: "On or about Sunday, July 17, 2011, [Applicant] did obtain or attempt to
10 obtain any drug or procure or attempt to procure the administration of any controlled substance as
11 defined in the Drug Control Act through fraud, deceit, misrepresentation, embezzlement or
12 subterfuge, or by forgery or alteration of a prescription or written order for the dispensing of a
13 controlled substance, or through the concealment of a material fact, or by the use of a false name
14 or the giving of a false address, in violation of § 18.2-258.1; 54.1-3446 through 54.1-3452; 18.2-
15 10 of the Code of Virginia (1950) as amended."

16 25. On or about January 10, 2012, Applicant pled guilty and the Circuit Court of the City
17 of Virginia Beach (Court), after hearing evidence and argument of counsel, found that there were
18 sufficient facts that would justify a finding of guilt. However, the Court withheld an adjudication
19 of Applicant's guilt, and placed Applicant on probation for twelve months with the following
20 terms and conditions: "The Defendant [Applicant] shall remain drug free and be of good behavior
21 for one year; the Defendant [Applicant] shall remain under supervision by the community
22 corrections program for one year and shall comply with all rules of probation and instructions of
23 the case manager to include the giving of random urine screens."

24 26. On or about January 15, 2012, Applicant voluntarily admitted herself into an in-
25 patient recovery program and was discharged on March 29, 2012, after meeting the criteria for
26 successful discharge, including a thorough Continuing Care Contract and a Relapse Prevention
27 Plan.

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1 27. On or about March 1, 2012, the VBM reprimanded Applicant's intern/resident license
2 to practice medicine and surgery in the Commonwealth of Virginia, issued on July 6, 2010,
3 license number 0116-023023, based on, among other things, the following findings of facts
4 and/or laws: Applicant violated Sections 54.12915.A(1), (16) (10), as further defined by Section
5 18.2-258.1.A and E of the Code of Virginia (1950), as amended ("Code"), in that, by her own
6 admission, in or about July 2010, Applicant obtained 210 dosage units of Adderall (Schedule II)
7 for her personal and unauthorized use by forging prescriptions and signatures of three (3)
8 different physicians; Applicant violated Sections 541.-2915A(2) and (14) of the Code in that she
9 is unable to practice medicine and surgery with reasonable skill or safety. In addition, Applicant
10 entered into a Consent Order, which required, among other things, Applicant to remain in HPMP
11 and continue to comply fully with the terms of Applicant's Participation Contract and/or
12 Recovery Monitoring Contract, and any addenda thereto, until Applicant successfully completes
13 the program.

14 28. On or about June 27, 2012, Applicant voluntarily agreed to participate in a five (5)
15 year treatment program as part of a Recovery Monitoring Contract with HPMP. The treatment
16 program required Applicant to abstain from the use of alcohol and drugs, including prescription
17 drugs for treating illnesses (unless there was no alternative available), refrain from writing
18 prescriptions for herself or family members, participate in therapy at least twice per month, take
19 any medications for treatment of alcoholism / chemical dependency / mental illness as prescribed,
20 attend three (3) 12-step program meetings weekly and two (2) health professional recovery group
21 meetings monthly, submit to random testing, notify her employers regarding monitoring contract,
22 and meet with the monitor on a monthly basis. On or about January 30, 2017, Applicant
23 successfully completed the program.

24 29. On or about March 11, 2013, after Applicant fulfilled the terms and conditions of her
25 criminal probation, the Court found Applicant not guilty of prescription fraud, a felony, but guilty
26 of possession of a schedule III substance, a misdemeanor, in violation of Virginia Code Section
27 18.2-250.

28 ///

1 30. In or around May 2017, Applicant contacted her previous counselor to re-enter
2 outpatient treatment due to a serious relapse of alcohol use involving near daily intoxication and
3 inability to care for her infant son, resulting in a social services investigation.

4 31. On or about May 4, 2018, Applicant began psychiatric treatment. Applicant was
5 diagnosed with Generalized Anxiety Disorder (GAD),⁶ ADHD⁷ predominantly inattentive type,
6 and a history of alcohol abuse. Applicant's treatment plan included continued visits for
7 medication management, therapy every three (3) months or sooner, and taking the following
8 prescribed medications: Trintellix⁸ 10mg, Adderall 10 mg, and Xanax⁹ 0.5 mg.

9 **FIRST CAUSE FOR DENIAL OF APPLICATION**

10 **(Criminal Conviction Substantially Related to the Qualifications, Functions, or Duties of a**
11 **Physician and Surgeon)**

12 32. Applicant's Application is subject to denial under section 475, subdivisions (a)(2) and
13 (a)(4) and/or section 480, subdivisions (a)(1) and (a)(3)(A), and/or section 2234, subdivision (a),
14 and/or section 2236, subdivision (a) of the Code, in that Applicant was convicted of a crime
15 substantially related to the qualifications, functions, or duties of a physician and surgeon.

16 33. Paragraphs 20, 24, 25 and 29, above, are hereby incorporated by reference and re-
17 alleged as if fully set forth herein.

18 ///

19 ⁶ Generalized Anxiety Disorder (GAD) is a severe, ongoing anxiety that interferes with
20 daily activities.

21 ⁷ Attention-Deficit-Hyperactivity-Disorder (ADHD) is a chronic condition including
attention difficulty, hyperactivity, and impulsiveness.

22 ⁸ Vortioxetine, sold under the brand name Trintellix, among others, is a medication used
23 to treat major depressive disorder.

24 ⁹ Xanax® (alprazolam), a benzodiazepine, is a centrally acting hypnotic-sedative that is a
25 Schedule IV controlled substance pursuant to Health and Safety Code section 11057, subdivision
(d), and a dangerous drug pursuant to Business and Professions Code section 4022. When
26 properly prescribed and indicated, it is used for the management of anxiety disorders.
27 Concomitant use of Xanax® with opioids "may result in profound sedation, respiratory
depression, coma, and death." The Drug Enforcement Administration (DEA) has identified
28 benzodiazepines, such as Xanax®, as a drug of abuse. (Drugs of Abuse, DEA Resource Guide
(2011 Edition), at p. 53.)

1 **SECOND CAUSE FOR DENIAL OF APPLICATION**

2 **(Use of Drugs and/or Alcohol in a Dangerous Manner)**

3 34. Applicant's Application is subject to denial under section 475, subdivision (a)(4)
4 and/or section 480, subdivision (a)(3)(A), and/or section 2234, subdivision (a) and/or section
5 2239 of the Code, on the grounds that she used alcohol and/or controlled substance(s) to an extent
6 or in a manner dangerous or injurious to herself or others, in a manner impairing the ability of
7 Applicant to practice safely, and accordingly engaged in unprofessional conduct. The
8 circumstances are as follows:

9 35. Paragraphs 18 through 31, above, are hereby incorporated by reference and re-alleged
10 as if fully set forth herein.

11 **THIRD CAUSE FOR DENIAL OF APPLICATION**

12 **(Dishonesty or Corruption)**

13 36. Applicant's Application is subject to denial under section 475, subdivisions (a)(3) and
14 (a)(4) and/or section 480, subdivisions (a)(2) and (a)(3)(A) and/or section 2234, subdivisions (a)
15 and (e) of the Code, on the grounds that she obtained Adderall for personal and unauthorized use
16 by forging prescriptions and signatures of three (3) different physicians. This fraudulent activity
17 constituted unprofessional conduct. The circumstances are as follows:

18 37. Paragraphs 18 through 27, above, are hereby incorporated by reference and re-alleged
19 as if fully set forth herein.

20 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

21 **(Violation of California Statute/Regulation Regulating Dangerous Drugs or Controlled**
22 **Substances)**

23 38. Applicant's Application is subject to denial under section 475, subdivision (a)(4)
24 and/or section 480, subdivision (a)(3)(A), and/or section 2234, subdivisions (a) and/or section
25 2238 of the Code on the grounds that she obtained Adderall for personal and unauthorized use by
26 forging prescriptions and signatures of three (3) different physicians. This act constituted a
27 violation of California's statute/regulation regulating dangerous drugs or controlled substances,
28

1 specifically, California Health and Safety Code section 11377, subdivision (a). This conduct
2 constituted unprofessional conduct. The circumstances are as follows:

3 39. Paragraphs 20 and 22, above, are hereby incorporated by reference and re-alleged as
4 if fully set forth herein.

5 **FIFTH CAUSE FOR DENIAL OF APPLICATION**

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

7 40. Applicant's Application is subject to denial under section 475, subdivision (a)(4)
8 and/or section 480, subdivision (a)(3)(A) and section 141 and section 2305 of the Code on the
9 grounds that the Virginia Board of Medicine issued an order reprimanding Applicant's
10 intern/resident license to practice medicine and surgery in the Commonwealth of Virginia, with
11 requirements, among others, that Applicant to remain in HPMP and continue to comply fully with
12 the terms of Applicant's contract, and any addenda thereto, until Applicant successfully
13 completes the program.

14 41. Paragraph 27, above, is hereby incorporated by reference and re-alleged as if fully set
15 forth herein.

16 **SIXTH CAUSE FOR DENIAL OF APPLICATION**

17 **(Unprofessional Conduct)**

18 42. Applicant's Application is subject to denial under section 475, subdivision (a)(4)
19 and/or section 480, subdivision (a)(3)(A) and section 2234 of the Code on the grounds that
20 Applicant engaged in unprofessional conduct. The circumstances are as follows:

21 43. Paragraphs 18-31, above, are hereby incorporated by reference and re-alleged as if
22 fully set forth herein.

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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. Denying the application of Danielle Marie Fam for a Physician's and Surgeon's Certificate;

2. If placed on probation, revoking, suspending or denying approval of Applicant Danielle Fam's authority to supervise physician assistants pursuant to section 3527 of the Code, and advanced practice nurses;

3. Ordering Applicant Danielle Fam to pay the Medical Board the costs of probation monitoring, if placed on probation;

4. Determining whether Applicant's use impairs her ability to practice safely, thereby requiring patient disclosure, per Business and Professions Code section 2228.1; and

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

DATED: June 29, 2020


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

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