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

In the Matter of the Accusation Against: Richard Albert Chaffoo, M.D. Physician's & Surgeon's Certificate No G 54363 Respondent	Case No. 800-2017-036343

DECISION

The attached Stipulatd 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 14, 2021.

MEDICAL BOARD OF CALIFORNIA

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

ROB BONTA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
JOSEPH F. MCKENNA III
Deputy Attorney General
State Bar No. 231195
600 West Broadway, Suite 1800
San Diego, California 92101
P.O. Box 85266
San Diego, California 92186-5266
Telephone: (619) 738-9417
Facsimile: (619) 645-2061

Attorneys for Complainant

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

In the Matter of the Accusation Against: **RICHARD ALBERT CHAFFOO, M.D.** **9850 Genesee Avenue, Suite 480** **La Jolla, CA 92037** **Physician's and Surgeon's Certificate No. G 54363,** Respondent.	Case No. 800-2017-036343 OAH No. 2021010087 **STIPULATED SETTLEMENT AND DISCIPLINARY 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, and by Joseph F. McKenna III, Deputy Attorney General.

2. Respondent Richard Albert Chaffoo, M.D. (Respondent) is represented in this proceeding by attorney Raymond J. McMahon, Esq., whose address is: 5440 Trabuco Road, Irvine, California, 92620.

3. On or about March 4, 1985, the Board issued Physician's and Surgeon's Certificate No. G 54363 to Richard Albert Chaffoo, M.D. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges and allegations brought in Accusation No. 800-2017-036343, and will expire on July 31, 2022, unless renewed.

JURISDICTION

4. Accusation No. 800-2017-036343 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 28, 2020. Respondent timely filed his Notice of Defense contesting the Accusation. A true and correct copy of the Accusation is attached as Exhibit A and hereby incorporated by reference as if fully set forth herein.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, discussed with his counsel, and fully understands the charges and allegations in Accusation No. 800-2017-036343. Respondent has also carefully read, discussed with his counsel, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations contained in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws, having been fully advised of same by his counsel.

7. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent understands and agrees that the charges and allegations contained in Accusation No. 800-2017-036343, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate No. G 54363.

9. Respondent stipulates that, at a hearing, Complainant could establish a *prima facie* case or factual basis for the charges and allegations contained in the Accusation; that he gives up his right to contest those charges and allegations contained in the Accusation; and that he has thereby subjected his Physician's and Surgeon's Certificate to disciplinary action.

CONTINGENCY

10. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated 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. Respondent agrees that if an accusation is ever filed against him before the Board, all of the charges and allegations contained in Accusation No. 800-2016-024117 shall be deemed true, correct and fully admitted by Respondent for purposes of any such proceeding or any other licensing proceeding involving Respondent 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 understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or opportunity to be heard by the Respondent, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

1. PUBLIC REPRIMAND.

IT IS HEREBY ORDERED that Respondent Richard Albert Chaffoo, M.D.'s Physician's and Surgeon's Certificate No. G 54363 shall be and is hereby Publicly Reprimanded pursuant to California Business and Professions Code section 2227, subdivision (a), subsection (4). This Public Reprimand, which is issued in connection with the charges and allegations contained in Accusation No. 800-2017-036343, is as follows:

> The informed consent form utilized in Respondent's office for a platelet rich plasma injection did not sufficiently document the indications for the use of the therapy in the specific treatment of Patient B. This constitutes an inadequate record, as more particularly alleged in Accusation No. 800-2017-036343.

2. MEDICAL RECORD KEEPING COURSE.

Within sixty calendar days of the effective date of this Decision, Respondent shall enroll in a course in medical record keeping approved in advance by the Board or its designee. Respondent shall provide the approved course provider with any information and documents that the approved course provider may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one year of enrollment. The medical record keeping course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education requirements for renewal of licensure.

A medical record keeping course taken after the acts that gave rise to the charges contained in Accusation 800-2017-036343, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Board or its designee had the course been taken after the effective date of this Decision.

Respondent shall submit a certification of successful completion to the Board or its designee not later than fifteen calendar days after successfully completing the course, or not later than fifteen calendar days after the effective date of the Decision, whichever is later.

3. FAILURE TO COMPLY.

Any failure by Respondent to comply with the terms and conditions of the Disciplinary Order set forth above shall constitute unprofessional conduct and grounds for further disciplinary action.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Raymond J. McMahon, Esq. I fully understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. G 54363. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 8/3/21

RICHARD ALBERT CHAFFOO, M.D.
Respondent

I have read and fully discussed with Respondent Richard Albert Chaffoo, M.D., the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: August 3, 2021

RAYMOND J. MCMAHON, ESQ.
Attorney for Respondent

ENDORSEMENT

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

DATED: August 3, 2021

Respectfully submitted,

ROB BONTA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General

JOSEPH F. MCKENNA III
Deputy Attorney General
Attorneys for Complainant

SD2020800757 / Doc.No.82980483

EXHIBIT A

XAVIER BECERRA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
JOSEPH F. MCKENNA III
Deputy Attorney General
State Bar No. 231195
600 West Broadway, Suite 1800
San Diego, California 92101
P.O. Box 85266
San Diego, California 92186-5266
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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: **Richard Albert Chaffoo, M.D.** **9850 Genesee Avenue** **Suite 480** **La Jolla, California 92037** **Physician's and Surgeon's Certificate** **No. G 54363,** Respondent.	Case No. 800-2017-036343 **ACCUSATION**

Complainant alleges:

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.

2. On or about March 4, 1985, the Medical Board issued Physician's and Surgeon's Certificate No. G 54363 to Richard Albert Chaffoo, 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 July 31, 2022, unless renewed.

JURISDICTION

3. This Accusation 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.

STATUTORY PROVISIONS

4. 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, be publicly reprimanded which may include a requirement that the licensee complete relevant educational courses, or have such other action taken in relation to discipline as the Board deems proper.

5. Section 2234 of the Code states, in pertinent part:

> 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.
>
> ...
>
> (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.
>
> ...

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

7. Section 2018 of the Code states:

> The board may adopt, amend, or repeal, in accordance with the provisions of the Administrative Procedure Act, those regulations as may be necessary to enable it to carry into effect the provisions of law relating to the practice of medicine.

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8. Section 2725 of the Code states, in pertinent part:

...

(c) "Standardized procedures," as used in this section, means either of the following:

(1) Policies and protocols developed by a health facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code through collaboration among administrators and health professionals including physicians and nurses.

(2) Policies and protocols developed through collaboration among administrators and health professionals, including physicians and nurses, by an organized health care system which is not a health facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code.

The policies and protocols shall be subject to any guidelines for standardized procedures that the Division of Licensing of the Medical Board of California and the Board of Registered Nursing may jointly promulgate. If promulgated, the guidelines shall be administered by the Board of Registered Nursing.

(d) Nothing in this section shall be construed to require approval of standardized procedures by the Division of Licensing of the Medical Board of California, or by the Board of Registered Nursing.

...

REGULATORY PROVISIONS

9. Section 1379, title 16, of the California Code of Regulations states:

A physician and surgeon or a podiatrist who collaborates in the development of standardized procedures for registered nurses shall comply with Title 16 California Administrative Code Sections 1470 through 1474 governing development and use of standardized procedures.

10. Section 1470, title 16, of the California Code of Regulations states:

The Board of Registered Nursing in conjunction with the Medical Board of California (see the regulations of the Medical Board of California, Article 9.5, Chapter 13, Title 16 of the California Code of Regulations) intends, by adopting the regulations contained in the article, to jointly promulgate guidelines for the development of standardized procedures to be used in organized health care systems which are subject to this rule. The purpose of these guidelines is:

(a) To protect consumers by providing evidence that the nurse meets all requirements to practice safely.

(b) To provide uniformity in development of standardized procedures.

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11. Section 1471, title 16, of the California Code of Regulations states:

For purposes of this article:

(a) "Standardized procedure functions" means those functions specified in Business and Professions Code Section 2725 (c) and (d) which are to be performed according to "standardized procedures";

(b) "Organized health care system" means a health facility which is not licensed pursuant to Chapter 2 (commencing with Section 1250), Division 2 of the Health and Safety Code and includes, but is not limited to, clinics, home health agencies, physicians' offices and public or community health services;

(c) "Standardized procedures" means policies and protocols formulated by organized health care systems for the performance of standardized procedure functions.

12. Section 1472, title 16, of the California Code of Regulations states:

An organized health care system must develop standardized procedures before permitting registered nurses to perform standardized procedure functions. A registered nurse may perform standardized procedure functions only under the conditions specified in a health care system's standardized procedures; and must provide the system with satisfactory evidence that the nurse meets its experience, training, and/or education requirements to perform such functions.

13. Section 1474, title 16, of the California Code of Regulations states:

Following are the standardized procedure guidelines jointly promulgated by the Medical Board of California and by the Board of Registered Nursing:

(a) Standardized procedures shall include a written description of the method used in developing and approving them and any revision thereof.

(b) Each standardized procedure shall:

(1) Be in writing, dated and signed by the organized health care system personnel authorized to approve it.

(2) Specify which standardized procedure functions registered nurses may perform and under what circumstances.

(3) State any specific requirements which are to be followed by registered nurses in performing particular standardized procedure functions.

(4) Specify any experience, training, and/or education requirements for performance of standardized procedure functions.

(5) Establish a method for initial and continuing evaluation of the competence of those registered nurses authorized to perform standardized procedure functions.

(6) Provide for a method of maintaining a written record of those persons authorized to perform standardized procedure functions.

(7) Specify the scope of supervision required for performance of standardized procedure functions, for example, immediate supervision by a physician.

(8) Set forth any specialized circumstances under which the registered nurse is to immediately communicate with a patient's physician concerning the patient's condition.

(9) State the limitations on settings, if any, in which standardized procedure functions may be performed.

(10) Specify patient record keeping requirements.

(11) Provide for a method of periodic review of the standardized procedures.

DEFINITIONS

14. Follicular unit extraction (FUE) is a method of hair transplant surgery that manually removes individual hair follicles, or grafts, from the patient's scalp by making tiny incisions around the grafts under magnification. Once extracted, grafts are then implanted to bald or thinning areas around the head using small incisions in the recipient area that attempt to match a natural hair growth pattern. The surgery can take several hours and is performed under local anesthesia.

15. Platelet-rich plasma (PRP) therapy for hair loss is a three-step medical treatment in which a person's blood is drawn, processed, and then injected into the scalp to trigger natural hair growth. PRP treatment is also used to support wound healing in trauma and joint injury.

FIRST CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

16. Respondent has subjected his Physician's and Surgeon's Certificate No. G 54363 to disciplinary action under sections 2227 and 2234, as defined in section 2234, subdivision (c), of the Code, in that Respondent committed repeated negligent acts in his care and treatment of Patients A and B,[1] as more particularly alleged hereinafter:

[1] To protect the privacy of the patients involved in this matter, patient names have not been included in this pleading. Respondent is aware of the identities of Patients A and B.

17. **Patient A**

(a) On June 8, 2015, Patient A underwent a FUE graft harvest surgical procedure at Respondent's clinic. The procedure began at approximately 8:00 a.m. and was completed at approximately 5:00 p.m.

(b) According to the operative report signed by Respondent, one thousand nine hundred twenty-five (1,925) grafts were harvested from Patient A's scalp under loupe magnification with the assistance of a NeoGraft machine. Patient A's scalp was then prepped with local anesthesia followed by a surgical prep solution.

(c) According to the operative report, a #16 gauge needle was used to create "recipient sites" on Patient A's scalp, and the grafts were then inserted in the "recipient sites" under loupe magnification, and in the direction of Patient A's natural hair growth pattern.[2]

(d) According to the operative report, at the end of the procedure a post-operative dressing was applied and Patient A "was discharged with a friend/family member in stable condition with stable vital signs."[3]

(e) Respondent did not perform the majority of the surgical procedure.

(f) Respondent was not present in the procedure room for the majority of the surgical procedure.

(g) The majority of the surgical procedure was performed by a nurse and/or other technicians.

(h) The operative report does not document who in fact performed the actual surgical procedure. Respondent signed the operative report on or about June 9, 2015.

(i) Respondent did not have a standardized procedure(s) in place for a nurse to perform the FUE surgical procedure and/or incise recipient sites on Patient A's scalp.

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[2] However, during an interview regarding the FUE procedure performed on Patient A, Respondent told investigators that he used #19 and #20 gauge needles.

[3] However, according to the patient flow sheet from the day of the procedure, Patient A was "released to self" at 17:28.

(j) The FUE surgical procedure performed on Patient A did not obtain a sufficient number of grafts for the intended transplant area, resulting in little to no cosmetic impact from the surgical procedure.

(k) Patient A signed a consent form for the FUE surgical procedure on the same day of the surgery. Respondent's consent form does not include any information regarding the alternative hair transplant procedure known as "strip harvesting." The consent form also does not document whether "strip harvesting" was ever discussed with Patient A as an alternative technique to FUE.

18. **Patient B**

(a) On July 24, 2017, Patient B underwent PRP therapy for hair loss at Respondent's clinic.

(b) Patient B signed a consent form for PRP which indicated that he was consenting to PRP "to enhance postoperative healing."

(c) Respondent's consent form did not include any information regarding the use of PRP to stimulate hair growth, which was the reason for Patient B's visit to Respondent's clinic.

19. Respondent committed repeated negligent acts in his care and treatment of Patients A and B including, but not limited to, the following:

(a) Respondent failed to have a standardized procedure(s) in place for a nurse to perform FUE and/or incise recipient sites on Patient A's scalp;

(b) Respondent's consent form failed to provide Patient A with adequate information for informed consent;

(c) Respondent's surgical plan failed to provide for an adequate number of grafts for the intended area of recipient sites on Patient A's scalp;

(d) Respondent failed to be sufficiently involved and/or provide adequate oversight during the FUE surgical procedure performed on Patient A; and

(e) Respondent's consent form failed to provide Patient B with adequate information for informed consent.

SECOND CAUSE FOR DISCIPLINE

(Failure to Maintain Adequate and Accurate Medical Records)

20. Respondent has further subjected his Physician's and Surgeon's Certificate No. G 54363 to disciplinary action under sections 2227 and 2234, as defined in section 2266, of the Code, in that Respondent failed to maintain adequate and accurate records in connection with his care and treatment of Patients A and B, as more particularly alleged in paragraphs 16 through 19, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

21. Respondent has further subjected his Physician's and Surgeon's Certificate No. G 54363 to disciplinary action under sections 2227 and 2234 of the Code, in that Respondent has engaged in conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine, as more particularly alleged in paragraphs 16 through 20, above, which are hereby incorporated by reference and realleged as if 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. Revoking or suspending Physician's and Surgeon's Certificate Number G 54363, issued to Respondent Richard Albert Chaffoo, M.D.;

2. Revoking, suspending or denying approval of Respondent Richard Albert Chaffoo, M.D.'s authority to supervise physician assistants pursuant to section 3527 of the Code, and advanced practice nurses;

3. Ordering Respondent Richard Albert Chaffoo, M.D., to pay the Medical Board the costs of probation monitoring, if placed on probation; and

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

DATED: AUG 28 2020

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

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