

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

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

Seth Camhi, M.D.

**Physician's and Surgeon's
Certificate No. A 121153**

Respondent.

Case No.: 800-2017-038533

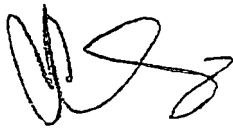
DECISION

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 February 25, 2022.

IT IS SO ORDERED: January 26, 2022.

MEDICAL BOARD OF CALIFORNIA



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

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 KEITH C. SHAW
Deputy Attorney General
4 State Bar No. 227029
600 West Broadway, Suite 1800
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8 *Attorneys for Complainant*

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

14 In the Matter of the Accusation Against:

15 **SETH CAMHI, M.D.**

16 8929 University Center Lane, Suite 201
17 San Diego, CA 92122-1006

18 **Physician's and Surgeon's Certificate No.**
A 121153

19 Respondent.

Case No. 800-2017-038533

OAH No. 2020120315

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

23 **PARTIES**

24 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
25 California (Board). He brought this action solely in his official capacity and is represented in this
26 matter by Rob Bonta, Attorney General of the State of California, by Keith C. Shaw, Deputy
27 Attorney General.

1 2. Respondent Seth Camhi, M.D. (Respondent) is represented in this proceeding by
2 attorney Steven H. Zeigen, Esq., whose address is: 10815 Rancho Bernardo Rd., Suite 310,
3 San Diego, CA 92127-2189.

4 3. On or about May 2, 2012, the Board issued Physician's and Surgeon's Certificate No.
5 A 121153 to Seth Camhi, M.D. (Respondent). The Physician's and Surgeon's Certificate was in
6 full force and effect at all times relevant to the charges brought in Accusation No. 800-2017-
7 038533, and will expire on May 31, 2022, unless renewed.

8 **JURISDICTION**

9 4. Accusation No. 800-2017-038533 was filed before the Board, and is currently
10 pending against Respondent. The Accusation and all other statutorily required documents were
11 properly served on Respondent on November 3, 2020. Respondent timely filed his Notice of
12 Defense contesting the Accusation.

13 5. A copy of Accusation No. 800-2017-038533 is attached as Exhibit A and
14 incorporated herein by reference.

15 **ADVISEMENT AND WAIVERS**

16 6. Respondent has carefully read, fully discussed with counsel, and understands the
17 charges and allegations in Accusation No. 800-2017-038533. Respondent has also carefully read,
18 fully discussed with his counsel, and understands the effects of this Stipulated Settlement and
19 Disciplinary Order.

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

26 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
27 every right set forth above.

28 ///

1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations in Accusation
3 No. 800-2017-038533, if proven at a hearing, constitute cause for imposing discipline upon his
4 Physician's and Surgeon's Certificate.

5 10. For the purpose of resolving the Accusation without the expense and uncertainty of
6 further proceedings, Respondent gives up his right to contest that, at a hearing, Complainant
7 could establish a *prima facie* case with respect to the charges and allegations contained in the
8 Accusation.

9 11. Respondent agrees that if he ever petitions for early termination or modification of
10 probation, or if an accusation and/or petition to revoke probation is filed against him before the
11 Medical Board of California, all of the charges and allegations contained in Accusation No. 800-
12 2017-038533 shall be deemed true, correct and fully admitted by Respondent for purposes of any
13 such proceeding or any other licensing proceeding involving Respondent in the State of
14 California.

15 12. Respondent agrees that his Physician's and Surgeon's Certificate is subject to
16 discipline and he agrees to be bound by the Board's probationary terms as set forth in the
17 Disciplinary Order below.

18 CONTINGENCY

19 13. This stipulation shall be subject to approval by the Medical Board of California.
20 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
21 Board of California may communicate directly with the Board regarding this stipulation and
22 settlement, without notice to or participation by Respondent or his counsel. By signing the
23 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
24 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
25 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
26 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
27 action between the parties, and the Board shall not be disqualified from further action by having
28 considered this matter.

14. 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.

15. 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

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 121153 issued to Respondent Seth Camhi, M.D., is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions:

1. **CONTROLLED SUBSTANCES - PARTIAL RESTRICTION.** Respondent shall not order, prescribe, dispense, administer, furnish, or possess any Schedule II controlled substance as defined by the California Uniform Controlled Substances Act, except for the following drugs listed in Schedule II of the Act: Stimulants, as defined under Health and Safety Code section 11055, subdivision (d).

Respondent shall immediately surrender Respondent's current DEA permit to the Drug Enforcement Administration for cancellation and reapply for a new DEA permit limited to those Schedules authorized by this order. Within 15 calendar days after the effective date of this Decision, Respondent shall submit proof that Respondent has surrendered Respondent's DEA permit to the Drug Enforcement Administration for cancellation and re-issuance. Within 15 calendar days after the effective date of issuance of a new DEA permit, Respondent shall submit a true copy of the permit to the Board or its designee.

2. **CONTROLLED SUBSTANCES - MAINTAIN RECORDS AND ACCESS TO RECORDS AND INVENTORIES.** Respondent shall maintain a record of all controlled substances ordered, prescribed, dispensed, administered, or possessed by Respondent, and any recommendation or approval which enables a patient or patient's primary caregiver to possess or cultivate marijuana for the personal medical purposes of the patient within the meaning of Health and Safety Code section 11362.5, during probation, showing all of the following: 1) the name and

1 address of the patient; 2) the date; 3) the character and quantity of controlled substances involved;
2 and 4) the indications and diagnosis for which the controlled substances were furnished.

3 Respondent shall keep these records in a separate file or ledger, in chronological order. All
4 records and any inventories of controlled substances shall be available for immediate inspection
5 and copying on the premises by the Board or its designee at all times during business hours and
6 shall be retained for the entire term of probation.

7 3. EDUCATION COURSE. Within 60 calendar days of the effective date of this
8 Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee
9 for its prior approval educational program(s) or course(s) which shall not be less than 40 hours
10 per year, for each year of probation. The educational program(s) or course(s) shall be aimed at
11 correcting any areas of deficient practice or knowledge, focused in the areas of primary care,
12 wellness and/or preventive medicine, and shall be Category I certified. The educational
13 program(s) or course(s) shall be at Respondent's expense and shall be in addition to the
14 Continuing Medical Education (CME) requirements for renewal of licensure. Following the
15 completion of each course, the Board or its designee may administer an examination to test
16 Respondent's knowledge of the course. Respondent shall provide proof of attendance for 65
17 hours of CME of which 40 hours were in satisfaction of this condition.

18 4. PRESCRIBING PRACTICES COURSE. Within 60 calendar days of the effective
19 date of this Decision, Respondent shall enroll in a course in prescribing practices approved in
20 advance by the Board or its designee. Respondent shall provide the approved course provider
21 with any information and documents that the approved course provider may deem pertinent.
22 Respondent shall participate in and successfully complete the classroom component of the course
23 not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully
24 complete any other component of the course within one (1) year of enrollment. The prescribing
25 practices course shall be at Respondent's expense and shall be in addition to the Continuing
26 Medical Education (CME) requirements for renewal of licensure.

27 A prescribing practices course taken after the acts that gave rise to the charges in the
28 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board

1 or its designee, be accepted towards the fulfillment of this condition if the course would have
2 been approved by the Board or its designee had the course been taken after the effective date of
3 this Decision.

4 Respondent shall submit a certification of successful completion to the Board or its
5 designee not later than 15 calendar days after successfully completing the course, or not later than
6 15 calendar days after the effective date of the Decision, whichever is later.

7 5. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective
8 date of this Decision, Respondent shall enroll in a course in medical record keeping approved in
9 advance by the Board or its designee. Respondent shall provide the approved course provider
10 with any information and documents that the approved course provider may deem pertinent.
11 Respondent shall participate in and successfully complete the classroom component of the course
12 not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully
13 complete any other component of the course within one (1) year of enrollment. The medical
14 record keeping course shall be at Respondent's expense and shall be in addition to the Continuing
15 Medical Education (CME) requirements for renewal of licensure.

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

21 Respondent shall submit a certification of successful completion to the Board or its
22 designee not later than 15 calendar days after successfully completing the course, or not later than
23 15 calendar days after the effective date of the Decision, whichever is later.

24 6. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
25 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
26 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
27 Respondent shall participate in and successfully complete that program. Respondent shall
28 provide any information and documents that the program may deem pertinent. Respondent shall

1 successfully complete the classroom component of the program not later than six (6) months after
2 Respondent's initial enrollment, and the longitudinal component of the program not later than the
3 time specified by the program, but no later than one (1) year after attending the classroom
4 component. The professionalism program shall be at Respondent's expense and shall be in
5 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

6 A professionalism program taken after the acts that gave rise to the charges in the
7 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
8 or its designee, be accepted towards the fulfillment of this condition if the program would have
9 been approved by the Board or its designee had the program been taken after the effective date of
10 this Decision.

11 Respondent shall submit a certification of successful completion to the Board or its
12 designee not later than 15 calendar days after successfully completing the program or not later
13 than 15 calendar days after the effective date of the Decision, whichever is later.

14 7. MONITORING - PRACTICE/BILLING. Within 30 calendar days of the effective
15 date of this Decision, Respondent shall submit to the Board or its designee for prior approval as a
16 practice monitor(s), the name and qualifications of one or more licensed physicians and surgeons
17 whose licenses are valid and in good standing, and who are preferably American Board of
18 Medical Specialties (ABMS) certified. A monitor shall have no prior or current business or
19 personal relationship with Respondent, or other relationship that could reasonably be expected to
20 compromise the ability of the monitor to render fair and unbiased reports to the Board, including
21 but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree
22 to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

23 The Board or its designee shall provide the approved monitor with copies of the Decision(s)
24 and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the
25 Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed
26 statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role
27 of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees
28 with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the

1 signed statement for approval by the Board or its designee.

2 Within 60 calendar days of the effective date of this Decision, and continuing throughout
3 probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall
4 make all records available for immediate inspection and copying on the premises by the monitor
5 at all times during business hours and shall retain the records for the entire term of probation.

6 If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective
7 date of this Decision, Respondent shall receive a notification from the Board or its designee to
8 cease the practice of medicine within three (3) calendar days after being so notified. Respondent
9 shall cease the practice of medicine until a monitor is approved to provide monitoring
10 responsibility.

11 The monitor(s) shall submit a quarterly written report to the Board or its designee which
12 includes an evaluation of Respondent's performance, indicating whether Respondent's practices
13 are within the standards of practice of medicine, and whether Respondent is practicing medicine
14 safely, billing appropriately or both. It shall be the sole responsibility of Respondent to ensure
15 that the monitor submits the quarterly written reports to the Board or its designee within 10
16 calendar days after the end of the preceding quarter.

17 If the monitor resigns or is no longer available, Respondent shall, within five (5) calendar
18 days of such resignation or unavailability, submit to the Board or its designee, for prior approval,
19 the name and qualifications of a replacement monitor who will be assuming that responsibility
20 within 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within
21 60 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a
22 notification from the Board or its designee to cease the practice of medicine within three (3)
23 calendar days after being so notified. Respondent shall cease the practice of medicine until a
24 replacement monitor is approved and assumes monitoring responsibility.

25 In lieu of a monitor, Respondent may participate in a professional enhancement program
26 approved in advance by the Board or its designee that includes, at minimum, quarterly chart
27 review, semi-annual practice assessment, and semi-annual review of professional growth and
28 education. Respondent shall participate in the professional enhancement program at Respondent's

1 expense during the term of probation.

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

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

11 9. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is
12 prohibited from supervising physician assistants.

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

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

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

21 12. GENERAL PROBATION REQUIREMENTS.

22 Compliance with Probation Unit

23 Respondent shall comply with the Board's probation unit.

24 Address Changes

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

1 and Professions Code section 2021, subdivision (b).

2 Place of Practice

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

6 License Renewal

7 Respondent shall maintain a current and renewed California physician's and surgeon's
8 license.

9 Travel or Residence Outside California

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

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

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

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

1 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
2 on probation with the medical licensing authority of that state or jurisdiction shall not be
3 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
4 period of non-practice.

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

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

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

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

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

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

28 17. LICENSE SURRENDER. Following the effective date of this Decision, if

Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request to surrender his or her license. The Board reserves the right to evaluate Respondent's request and to exercise its discretion in determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its designee and Respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

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

19. FUTURE ADMISSIONS CLAUSE. 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 action agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2017-038533 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 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, Steven H. Zeigen, Esq. I understand the stipulation and the effect
4 it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement
5 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
6 Decision and Order of the Medical Board of California.

7 DATED: 1/7/22

8 *[Signature]*
9 SETH CAMHI, M.D.
Respondent

10 I have read and fully discussed with Respondent Seth Camhi, M.D., the terms and
11 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
12 I approve its form and content.

13 DATED: 1/03/2022

14 *Steven H. Zeigen*
STEVEN H. ZEIGEN, ESQ.
Attorney for Respondent

15 ENDORSEMENT

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

18 DATED: January 3, 2022

19 Respectfully submitted,
20 ROB BONTA
21 Attorney General of California
22 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General

23 *Keith Shaw*

24 KEITH C. SHAW
25 Deputy Attorney General
26 Attorneys for Complainant

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28 83169396.docx

Exhibit A

Accusation No. 800-2017-038533

1 XAVIER BECERRA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
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8 *Attorneys for Complainant*

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

14 In the Matter of the Accusation Against:

Case No. 800-2017-038533

15 **SETH CAMHI, M.D.**

A C C U S A T I O N

16 9339 Genesee Avenue, Suite 150
17 San Diego, CA 92121-2144

18 **Physician's and Surgeon's Certificate**
No. A 121153,

19 Respondent.

20
21 **PARTIES**

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

25 2. On or about May 2, 2012, the Medical Board issued Physician's and Surgeon's
26 Certificate No. A 121153 to Seth Camhi, M.D. (Respondent). The Physician's and Surgeon's
27 Certificate was in full force and effect at all times relevant to the charges brought herein and will
28 expire on May 31, 2022, unless renewed.

JURISDICTION

3. This Accusation is brought before the Medical Board of California, 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 2227 of the Code states:

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

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

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

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

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

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

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

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1 5. Section 2234 of the Code, states:

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

5 “... :

6 “(b) Gross negligence.

7 “(c) Repeated negligent acts. To be repeated, there must be two or more negligent
8 acts or omissions. An initial negligent act or omission followed by a separate and distinct
9 departure from the applicable standard of care shall constitute repeated negligent acts.

10 “(1) An initial negligent diagnosis followed by an act or omission medically
11 appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

12 “(2) When the standard of care requires a change in the diagnosis, act, or omission
13 that constitutes the negligent act described in paragraph (1), including, but not limited to, a
14 reevaluation of the diagnosis or a change in treatment, and the licensee’s conduct departs
15 from the applicable standard of care, each departure constitutes a separate and distinct
16 breach of the standard of care.

17 “....”

18 6. Section 725 of the Code states:

19 “(a) Repeated acts of clearly excessive prescribing, furnishing, dispensing, or
20 administering of drugs or treatment, repeated acts of clearly excessive use of
21 diagnostic procedures, or repeated acts of clearly excessive use of diagnostic or
22 treatment facilities as determined by the standard of the community of licensees is
23 unprofessional conduct for a physician and surgeon, dentist, podiatrist,
24 psychologist, physical therapist, chiropractor, optometrist, speech-language
25 pathologist, or audiologist.

26 “(b) Any person who engages in repeated acts of clearly excessive
27 prescribing or administering of drugs or treatment is guilty of a misdemeanor and
28 shall be punished by a fine of not less than one hundred dollars (\$100) nor more

1 than six hundred dollars (\$600), or by imprisonment for a term of not less than 60
2 days nor more than 180 days, or by both that fine and imprisonment.

3 “(c) A practitioner who has a medical basis for prescribing, furnishing,
4 dispensing, or administering dangerous drugs or prescription controlled substances
5 shall not be subject to disciplinary action or prosecution under this section.

6 “(d) No physician and surgeon shall be subject to disciplinary action pursuant to this
7 section for treating intractable pain in compliance with Section 2241.5.”

8 7. Section 2266 of the Code states:

9 “The failure of a physician and surgeon to maintain adequate and accurate records
10 relating to the provision of services to their patients constitutes unprofessional conduct.”

11 8. Section 2229 of the Code states that the protection of the public shall be the highest
12 priority for the Board in exercising their disciplinary authority. While attempts to rehabilitate a
13 licensee should be made when possible, Section 2229, subdivision (c), states that when
14 rehabilitation and protection are inconsistent, protection shall be paramount.

15 **PERTINENT DRUGS**

16 9. **Adderall**, a mixture of d-amphetamine and l-amphetamine salts in a ratio of 3:1, is a
17 central nervous system (CNS) stimulant of the amphetamine class, and is a Schedule II controlled
18 substance pursuant to Health and Safety Code section 11055, subdivision (d), and a dangerous
19 drug pursuant to Business and Professions Code section 4022. When properly prescribed and
20 indicated, it is used for attention-deficit hyperactivity disorder (ADHD) and narcolepsy.

21 According to the DEA, amphetamines, such as Adderall, are considered a drug of abuse. “The
22 effects of amphetamines and methamphetamine are similar to cocaine, but their onset is slower
23 and their duration is longer.” (Drugs of Abuse – A DEA Resource Guide (2017), at p. 50.)

24 Adderall and other stimulants are contraindicated for patients with a history of drug abuse.

25 10. **Diazepam**, known by the trade name Valium, is a medicine of the benzodiazepine
26 class of drugs commonly used to treat anxiety, alcohol withdrawal, and seizures. It is a dangerous
27 drug as defined in Business and Professions Code section 4022 and a Schedule IV controlled
28 substance as defined by section 11057 of the Health and Safety Code. It produces CNS

1 depression and should be used with caution with other central nervous system depressant drugs.
2 Like other benzodiazepines, it can produce psychological and physical dependence. Withdrawal
3 symptoms similar to those noted with barbiturates and alcohol have been noted upon abrupt
4 discontinuance. The Drug Enforcement Administration (DEA) has identified benzodiazepines,
5 such as diazepam, as a drug of abuse. (Drugs of Abuse, DEA Resource Guide (2011 Edition), at
6 p. 53.)

7 11. **Hydrocodone APAP** (Vicodin, Lortab, and Norco) is a hydrocodone combination of
8 hydrocodone bitartrate and acetaminophen which was formerly a Schedule III controlled
9 substance pursuant to Health and Safety Code section 11056, subdivision (e), and a dangerous
10 drug pursuant to Business and Professions Code section 4022. On August 22, 2014, the DEA
11 published a final rule rescheduling hydrocodone combination products (HCP's) to Schedule II of
12 the Controlled Substances Act, which became effective October 6, 2014. Schedule II controlled
13 substances are substances that have a currently accepted medical use in the United States, but also
14 have a high potential for abuse, and the abuse of which may lead to severe psychological or
15 physical dependence. When properly prescribed and indicated, HCP's are used for the treatment
16 of moderate to severe pain. In addition to the potential for psychological and physical
17 dependence there is also the risk of acute liver failure which has resulted in a black box warning
18 being issued by the Federal Drug Administration (FDA).

19 12. **Hydromorphone hydrochloride** (Dilaudid) is primarily used as a pain reliever. It is
20 a dangerous drug as defined in Business and Professions Code section 4022 and is a Schedule II
21 controlled substance as defined by Health and Safety Code section 11055(b). Psychic
22 dependence, physical dependence, and tolerance may develop upon repeated administration of
23 narcotics; therefore, Dilaudid should be prescribed and administered with caution. Physical
24 dependence, the condition in which continued administration of the drug is required to prevent the
25 appearance of a withdrawal syndrome, usually assumes clinically significant proportions after
26 several weeks of continued use. Side effects include drowsiness, mental clouding, respiratory
27 depression, and vomiting. The usual starting dosage for injections is 1-2 mg. The usual oral dose
28 is 2 mg every two to four hours as necessary. Patients receiving other narcotic analgesics,

1 anesthetics, phenothiazines, tranquilizers, sedative-hypnotics, tricyclic antidepressants and other
2 central nervous system depressants, including alcohol, may exhibit an additive central nervous
3 system depression. When such combined therapy is contemplated, the use of one or both agents
4 should be reduced.

5 13. **Opana ER**, also known as oxymorphone hydrochloride extended release, is an opioid
6 pain medication used to treat moderate to severe pain. The extended-release form of this
7 medication is for around-the-clock treatment of pain. It is a dangerous drug as defined in section
8 4022 and is a Schedule II controlled substance as defined by Health and Safety Code section
9 11055(b)(1).

10 14. **Oxycodone with acetaminophen** (Percocet), an opioid analgesic, is a Schedule II
11 controlled substance pursuant to Health and Safety Code section 11055, subdivision (b), and a
12 dangerous drug pursuant to Business and Professions Code section 4022. When properly
13 prescribed and indicated, it is used for the management of moderate to moderately severe pain.
14 The Drug Enforcement Administration has identified oxycodone, as a drug of abuse. (Drugs of
15 Abuse, A DEA Resource Guide (2011 Edition), at p. 41.) The Federal Drug Administration has
16 issued a black box warning for Percocet which warns about, among other things, addiction, abuse
17 and misuse, and the possibility of "life-threatening respiratory distress."

18 15. **Oxycodone HCL** (OxyContin) is a Schedule II controlled substance pursuant to
19 Health and Safety Code section 11055, subdivision (b), and a dangerous drug pursuant to
20 Business and Professions Code section 4022. When properly prescribed and indicated,
21 OxyContin is used for the management of pain severe enough to require daily, around-the-clock,
22 long term opioid treatment for which alternative treatment options are inadequate. The DEA has
23 identified OxyContin as a drug of abuse. (Drugs of Abuse, A DEA Resource Guide (2011
24 Edition), at p. 41.) The risk of respiratory depression and overdose is increased with the
25 concomitant use of benzodiazepines or when prescribed to patients with pre-existing respiratory
26 depression.

27 16. **OxyContin** is a trade name for oxycodone hydrochloride controlled-release tablets.
28 It is used for pain relief. It can also include relief from anxiety with feelings of euphoria and

1 relaxation. OxyContin is a Schedule II controlled substance and narcotic as defined by section
2 11055, subdivision (b)(1) of the Health and Safety Code, and a Schedule II controlled substance
3 as defined by Section 1308.12 (b)(1) of Title 21 of the Code of Federal Regulations, and is a
4 dangerous drug as defined in Business and Professions Code section 4022. Respiratory
5 depression is the chief hazard from all opioid agonist preparations. OxyContin should be used
6 with caution in patients who are concurrently receiving other CNS depressants including
7 sedatives or hypnotics, general anesthetics, phenothiazines, other tranquilizers, and alcohol.

8 17. **Soma**, a trade name for carisoprodol tablets, is a muscle-relaxant and sedative. It is a
9 dangerous drug as defined in section 4022 and is a Schedule IV controlled substance as defined
10 by Health and Safety Code section 11057. It can be habit forming and its side effects may impair
11 thinking or reactions; it can increase dizziness and drowsiness.

12 18. **Suboxone**, a trade name for buprenorphine and naloxone, is used to treat opiate
13 addiction. Buprenorphine is an opioid medication, which the naloxone blocks the effects of the
14 opioid medication that can often lead to abuse. It is a Schedule III controlled substance and
15 narcotic as defined by section 11056 of the Health and Safety Code, and is a dangerous drug as
16 defined in section 4022.

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

24 20. **Zolpidem**, known by the trade name Ambien, is a Schedule IV controlled substance,
25 and a sedative primarily used to treat insomnia. It is an addictive substance and users should
26 avoid alcohol as serious interactions may occur.

27 ///

28 ///

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Gross Negligence)**

3 21. Respondent is subject to disciplinary action under sections 2227 and 2234, as defined
4 by section 2234, subdivision (b), of the Code, in that he committed gross negligence in his care
5 and treatment of patients A, B, C, and D, as more particularly alleged hereinafter:

6 **PATIENT A**

7 22. Respondent began treatment with Patient A,¹ a then 49-year-old male, on or about
8 July 6, 2017. The patient presented with numerous medical conditions, including chronic bone
9 pain and chronic pain syndrome, anxiety disorder, depression, ADHD, migraines, and had a
10 history of marijuana use. Patient A was seen for 29 months and had his last visit on or about
11 December 4, 2019.

12 23. Respondent indicated that Patient A had metastatic disease to the bone, however,
13 there were no documented imaging studies, progress notes from other physicians, attempts to
14 collaborate with an oncologist, laboratory reports, or pathology reports to corroborate such a
15 disease. Similarly, Respondent made no independent attempt to verify whether the patient had
16 migraine headaches.

17 24. On or about August 7, 2017, Respondent began prescribing oxycodone, 30 mg
18 (#120), to Patient A on a monthly basis. However, a Controlled Substance Agreement (CSA) was
19 not signed by Patient A until nearly seven months later on or about March 1, 2018. It was unclear
20 from the notes the indication for which Respondent prescribed opiates, including any
21 corroborating physical examination findings. Respondent did not offer non-opiate medications
22 prior to prescribing opiates. Respondent continued a morphine equivalent dosage (MED) of
23 approximately 220 for the patient through approximately July 2, 2018.

24 25. On or about August 1, 2018, Respondent referred Patient A to a pain management
25 specialist, but he returned to Respondent's care in May 2019 and was continued on opiates.
26 Patient A was routinely prescribed two separate short acting opiates concurrently, including

27 ¹ The patients listed in this document are unnamed to protect their privacy. Respondent
28 knows the name of the patients and can confirm their identity through discovery.

1 oxycodone, Percocet, and/or Norco. Respondent apparently failed to recognize that Percocet
2 already contained oxycodone, as it was prescribed concurrent to regular oxycodone. The patient
3 was also regularly prescribed Xanax and Adderall throughout his treatment with Respondent.

4 26. At no time did Respondent conduct a urine drug test or random pill count for Patient
5 A as authorized under the CSA, despite him being at a moderate risk for future opiate abuse due
6 to his history. Patient A filled prescriptions for controlled substances at multiple pharmacies,
7 even though the CSA required the use of a single pharmacy to fill prescriptions. Respondent
8 routinely failed to document and assess pain as it related to the use of controlled substances,
9 including the analgesic effects of the opiates, the patient's daily functional state, and inquiring
10 into any to potential aberrant behavior.

11 27. Respondent committed gross negligence in his care and treatment of Patient A which
12 included, but was not limited to, the following:

- 13 (a) Respondent failed to properly conduct urine toxicology screenings;
- 14 (b) Respondent failed to safely prescribe controlled substances; and
- 15 (c) Respondent failed to appropriately document an indication for the use
16 of controlled substances.

17 **PATIENT B**

18 28. Respondent started treating Patient B, a then 25-year-old female, on or about
19 December 8, 2015. The patient presented with a history of chronic pain syndrome, including
20 lower back, abdominal, pelvic and hip pain. Respondent began prescribing Norco, 325/10 mg
21 (#120), and Soma, 350 mg (#30), to Patient B on a monthly basis, followed closely by monthly
22 prescriptions for oxycodone, 30 mg (#60). At this appointment, Patient B indicated that she
23 would shortly obtain an MRI of her lower back and pelvic area to determine the underlying cause
24 of her problems.² Patient B was seen for 26 months and had her last visit on or about January 30,
25 2018.

26
27 ² Despite numerous requests by Respondent throughout the patient's care to undergo an
28 MRI to determine the source of her pain, she neglected to obtain one. Still, Respondent continued
regular prescriptions for opiates and missed multiple opportunities to withhold or reduce
prescribing until the patient followed through with obtaining an MRI and/or lab testing.

1 29. Respondent commonly complied with Patient B's requests for additional controlled
2 substances and/or increased dosages, demonstrating a lack of full prescriptive decision-making.
3 On or about February 22, 2016, Patient B requested an early refill with an increased dosage for
4 Norco, which Respondent prescribed. On or about September 15, 2016, Patient B requested and
5 was granted an increased quantity of oxycodone. On or about, December 27, 2016, Patient B
6 requested and was prescribed Opana, after conveying to Respondent that she had tried Opana
7 from a friend and had liked it.

8 30. On or about February 27, 2017, Patient B indicated that she was stuck in Nashville
9 after being in a car crash and requested prescriptions for both Opana and oxycodone. Respondent
10 complied with this request, which significantly increased Patient B's MED from 75 to 270, which
11 continued for the remainder of her care. On or about June 13, 2017, Patient B requested the
12 addition of Valium, which Respondent complied and continued to regularly prescribe for the
13 remaining duration that the patient was under his care. Only once did Respondent decline to add
14 a new requested medication when Patient B relayed that she had "tried one of her friend's Xanax"
15 in June 2016.

16 31. A Controlled Substance Agreement was not present or documented during the
17 entirety Patient B was prescribed controlled substances by Respondent. Respondent did not
18 conduct a single urine drug test for Patient B, despite evidence of aberrant drug behavior,
19 including multiple early refill requests, taking controlled substances given to her by friends
20 (Opana and Xanax), potential withdrawal symptoms, and traveling out-of-state frequently where
21 she obtained controlled substances. Additionally, Patient B reported being in two car accidents,
22 but no inquiry was made whether she was the driver and potentially intoxicated. Respondent was
23 unaware whether the patient was exposed to other prescribed or non-prescribed medications or
24 illicit drugs that may have interacted with her prescribed opiates.

25 32. Respondent commonly failed to document an appropriate pain assessment of Patient
26 B. Respondent frequently noted in the review of symptoms that the patient did not have back or
27 abdominal pain despite contrary examination findings. Throughout the course of treatment with
28 Patient B, there was marked escalation of opioids rather than structured tapering.

1 Patient B filled prescriptions for controlled substances at multiple pharmacies. Respondent did
2 not collaborate with the patient's prior prescribers or physicians that prescribed controlled
3 substances in Tennessee, and who may have had more extensive medical records and imaging.

4 33. Respondent committed gross negligence in his care and treatment of Patient B which
5 included, but was not limited to, the following:

6 (a) Respondent failed to properly use and/or adhere to a Controlled
7 Substance Agreement;

8 (b) Respondent failed to properly conduct urine toxicology screenings;
9 and

10 (c) Respondent failed to safely prescribe controlled substances.

11 **PATIENT C**

12 34. Respondent began treating Patient C, a then 31-year-old male, on or about April 24,
13 2015. The patient presented with a medical history of drug overdose, rhabdomyolysis,³ peroneal
14 neuropathy,⁴ ADHD, OCD,⁵ insomnia, and GERD.⁶ He had a history of cocaine, amphetamine,
15 barbiturate, marijuana, and alcohol use. Patient C was seen for approximately 29 months with his
16 last visit occurring on or about September 18, 2017.

17 35. At the initial visit, Patient C relayed that he had recently stopped taking oxycodone
18 and was experiencing some withdrawal symptoms, but was taking Suboxone. On or about April
19 30, 2015, Patient C requested a refill of oxycodone for his lower back and foot drop⁷ as he was
20 tapering Suboxone. The patient indicated that he had a pain contract with another physician that

21 _____
22 ³ Rhabdomyolysis is a rare condition where a muscle injury causes the muscle tissue to
break down.

23 ⁴ Peroneal neuropathy is weakness, numbness, and pain from nerve damage, usually in the
24 hands and feet.

25 ⁵ Obsessive-compulsive disorder (OCD) is an anxiety disorder characterized by
unreasonable thoughts and fears (obsessions) that lead to compulsive behaviors.

26 ⁶ Gastroesophageal reflux disease (GERD), also known as acid reflux, occurs when
27 stomach acid frequently flows back into the tube connecting your mouth and stomach.

28 ⁷ Foot drop is a general term for difficulty lifting the front part of the foot.

1 he wanted to break in order to have Respondent prescribe his medications, but Respondent did
2 not document the reason why the patient wanted to transfer his care. According to CURES,⁸
3 Patient C was obtaining controlled substance prescriptions from seven different prescribers
4 between January 2015 and April 2015 prior to seeing Respondent. Respondent prescribed
5 oxycodone, 15 mg (#10), and Valium. Patient C had just filled prescriptions for oxycodone, 30
6 mg (#99), and OxyContin, 20 mg (#16), earlier that month, but there was no mention that
7 Respondent reviewed CURES.

8 36. On or about May 5, 2015, the patient requested a refill of oxycodone and was
9 prescribed oxycodone, 30 mg (#28). On or about May 14, 2015, Patient C conveyed that he
10 stopped taking oxycodone, even though he filled prescriptions for oxycodone, 30 mg, from
11 another physician on or about May 10, 2015, and May 15, 2015. On or about May 21, 2015,
12 Respondent noted, "pain addiction, we'll refill short course of oxycodone, but advised patient he
13 needs to cut down and eventually quit for good. Coming off and then going back on medication
14 does him no good." An additional 20 pills of oxycodone were prescribed that day. Less than a
15 week later, another prescriber issued a prescription for 30 pills of oxycodone.

16 37. On or about June 4, 2015, Patient C told Respondent that he was off oxycodone,
17 however, he filled a prescription for oxycodone from another prescriber the following day. One
18 week later, Patient C stated that he had received another prescription for oxycodone in a "moment
19 of weakness," but had flushed them down the toilet. Respondent prescribed an additional 10 pills
20 of oxycodone that day, and 12 more pills five days later.

21 38. On or about June 19, 2015, Patient C indicated that oxycodone was ineffective and he
22 wanted another medication. Respondent prescribed Opana, 10 mg, and noted, "if he gets
23 medications from other provider or urgent care prior to then that I will no longer refill his
24 controlled substances." However, Patient C received prescriptions for controlled substances from
25 other prescribers on 11 separate occasions between October 2015 and November 2016, and
26 Respondent continued prescriptions for controlled substances. In July 2015, Patient C indicated
27

28 ⁸ The Controlled Substance Utilization Review and Evaluation System (CURES) is a
platform that tracks all Schedule II – IV controlled substances dispensed to patients in California.

1 he had given up marijuana and was noted to have severe anxiety, depression, and stress, and was
2 subsequently prescribed Valium and Xanax. In August 2015, Patient C alerted Respondent that
3 he was also seeing another physician for pain and/or addiction management.

4 39. On or about September 28, 2015, Respondent noted that Patient C had obtained "a lot
5 of oxycodone this past month, but shows me a picture of him dumping it in the toilet." The
6 following day, Patient C asked for Norco and was prescribed 20 pills of Norco, 10 mg, by
7 Respondent. Three days later, the patient told Respondent that "he feels the Xanax, Valium,
8 OxyContin and Norco that he had gotten recently" are not really helping, so Respondent switched
9 him back to oxycodone. On or about October 8, 2015, Respondent noted that Patient C was
10 admitted to two urgent care facilities. Soon after, Respondent prescribed Percocet since Patient C
11 no longer wanted oxycodone. On or about November 5, 2015, Patient C requested to try another
12 medication, so Respondent prescribed Dilaudid. However, this medication was discontinued
13 several days later and oxycodone was resumed.

14 40. In December 2015, Patient C was seen by Respondent approximately every 2-3 days,
15 excluding holidays, and was prescribed a daily average MED of 414. On or about January 5,
16 2016, a pharmacist inquired with Respondent into the prescribing habits for Patient C. At this
17 time, Respondent informed the patient that he would be checking CURES. For the first time, a
18 Controlled Substance Agreement was also completed, occurring eight months after Respondent
19 began prescribing controlled substances to Patient C. The following day, Respondent reviewed
20 the results of a urine drug test with Patient C, which came back negative for controlled substances
21 even though he was regularly being prescribed opiates.

22 41. On or about January 22, 2016, Patient C requested an early refill of oxycodone since
23 he was going out of town. Respondent noted that it was a "recurrent theme" for Patient C to ask
24 for medications he did not like, and for the first time, began decreasing the dosage of opiates
25 prescribed to the patient. On or about February 1, 2016, a urine drug test was "negative for
26 oxycodone because [the patient] has been out." Later that month, Patient C again "flushed the
27 rest (oxycodone) down the toilet" and requested Norco, which Respondent did not agree. It was
28

1 noted that Patient C would reduce his usage of marijuana. Patient C obtained Norco and Percocet
2 prescriptions from another provider the following month.

3 42. On or about April 29, 2016, Respondent prescribed oxycodone to Patient C for the
4 last time. In the following months, Patient C obtained and filled prescriptions for oxycodone at
5 five different pharmacies from multiple different prescribers. Patient C also obtained multiple
6 benzodiazepines and Adderall prescriptions from several prescribers and sold at various
7 pharmacies. On or about December 27, 2016, Patient C resumed his care with Respondent, but
8 after reviewing CURES, Respondent informed Patient C that he would no longer prescribe
9 controlled substances and that he would need to obtain them from his psychiatrist.

10 43. During the course of treatment, Patient C did not adhere to the CSA he entered into in
11 January 2016, as prescriptions for controlled substances were filled at multiple pharmacies, and
12 he continued to use illicit drugs. While urine drug tests were conducted at least twice for Patient
13 C, they did not occur until after Respondent was alerted by a pharmacist of potential aberrant
14 drug behavior, and long after Respondent knew that Patient C was not only at high risk for
15 addiction, but "addicted" to pain medication. In fact, Respondent knew Patient C was addicted to
16 pain medication and continued to prescribe opiates, as well as a combination of opiates and
17 benzodiazepines concurrently. Despite multiple notes by Respondent that Patient C needed to
18 taper his MED, Respondent continued to escalate the MED until January 2016 when he was
19 alerted by the pharmacist of potential aberrant drug behavior.

20 44. Respondent committed gross negligence in his care and treatment of Patient C which
21 included, but was not limited to, the following:

22 (a) Respondent failed to properly use and/or adhere to a Controlled
23 Substance Agreement; and

24 (b) Respondent failed to safely prescribe controlled substances.

25 **PATIENT D**

26 45. Respondent began treating Patient D, a then 46-year-old male, on or about October
27 21, 2016, who was at the time working and living in Mexico. The patient presented with a history
28

1 of chronic back pain, and was later diagnosed with hypothyroidism, dyslipidemia, and ADHD.⁹
2 Patient D was seen for 39 months continuously and had his last visit on or about February 6,
3 2020.

4 46. At the initial visit, Respondent recommended an MRI and physical therapy for Patient
5 D for chronic lower back pain with radiculopathy, but the patient never followed up on obtaining
6 an MRI. Patient D was prescribed oxycodone prior to seeing Respondent, who continued
7 oxycodone, 30 mg (#90). One month later, Respondent increased the quantity of oxycodone to
8 120 pills, which would recur on a monthly basis until August 2018, when it was increased to 150
9 pills each month. On or about December 15, 2016, Respondent noted that Patient D was going to
10 a "prominent back specialist" in London and was prescribed Xanax for "travel and panic issues."
11 Xanax prescriptions would continue on a monthly basis and would be incrementally increased in
12 dosage throughout the course of treatment with Respondent.

13 47. On or about August 17, 2017, Patient D indicated that he had tried a friend's
14 Adderall, which had improved his focus and attention. Respondent agreed to start prescribing
15 Adderall, 10 mg, and diagnosed him with ADD/AHD.¹⁰ Respondent would increase the dosage
16 for the recurring monthly prescription of Adderall to 30 mg (#30) by April 2018, and then
17 doubled the amount of pills to 60 by June 2019.

18 48. Between May 2017 and August 2017, Patient D received prescriptions for Xanax and
19 oxycodone from other prescribers, though Respondent did not document this detail when he noted
20 that he reviewed CURES in July 2017 and September 2017. It was not until on or about
21 September 16, 2019, that a Controlled Substance Agreement was completed, approximately 35
22 months after the first prescription for controlled substances.

23 49. On or about November 14, 2019, Patient D's blood pressure was 174/111, which
24 Respondent noted was high. There was no mention under Assessment or Plan that Patient D had

25 ⁹ Patient D presumably had undiagnosed hypertension as he was prescribed Lisinopril by
26 Respondent to treat consistent high blood pressure.

27 ¹⁰ Even though Patient D presented with risk factors for coronary disease and untreated
28 and undiagnosed hypertension, he was prescribed Adderall for ADHD based on incomplete
diagnostic information.

1 high blood pressure and no intervention was documented. On or about January 9, 2020, Patient D
2 returned, but a blood pressure reading was not documented and hypertension was not diagnosed.
3 However, Patient D was prescribed Lisinopril, a medication used to treat high blood pressure.
4 Patient D's blood pressure was elevated 11 times at separate office visits, and was high 33 out of
5 38 times it was checked. Respondent noted Patient D's blood pressure was high on a number of
6 occasions, yet he was never diagnosed with hypertension.¹¹

7 50. On or about February 17, 2020, Patient D was referred to a pain management
8 specialist. During the course of treatment with Patient D, there was no structured tapering of
9 opiates, but rather an escalation. There was no evidence that Patient D was offered
10 pharmaceutical alternatives to opiates. Additionally, opiates were regularly prescribed
11 concurrently with benzodiazepines.

12 51. Respondent committed gross negligence in his care and treatment of Patient D which
13 included, but was not limited to, the following:

- 14 (a) Respondent failed to safely prescribe controlled substances; and
15 (b) Respondent failed to diagnose, treat and manage hypertension in a
16 timely manner.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Repeated Negligent Acts)**

19 52. Respondent is further subject to disciplinary action under sections 2227 and 2234, as
20 defined by section 2234, subdivision (c), of the Code, in that he committed repeated negligent
21 acts in his care and treatment of patients A, B, C, and D, as more particularly alleged herein.

22 **PATIENT A**

23 53. Respondent committed repeated negligent acts in his care and treatment of Patient A
24 which included, but was not limited to, the following:

- 25 (a) Paragraphs 21 through 51, above, are hereby incorporated by reference
26 and realleged as if fully set forth herein;

27 ¹¹ Diagnosis of hypertension is basic medicine and if left undiagnosed and untreated, it
28 may lead to significant, irreversible harm. Hypertension, Stage 1, is defined as blood pressure
readings of 130/90 or higher, and Stage 2 is defined as 140/90 or higher.

(b) Respondent failed to properly use and/or adhere to a Controlled Substance Agreement.

PATIENT B

54. Respondent committed repeated negligent acts in his care and treatment of Patient B which included, but was not limited to, the following:

(a) Paragraphs 21 through 51, above, are hereby incorporated by reference and realleged as if fully set forth herein.

PATIENT C

55. Respondent committed repeated negligent acts in his care and treatment of Patient C which included, but was not limited to, the following:

(a) Paragraphs 21 through 51, above, are hereby incorporated by reference and realleged as if fully set forth herein;

(b) Respondent failed to properly conduct urine toxicology screenings.

PATIENT D

56. Respondent committed repeated negligent acts in his care and treatment of Patient D which included, but was not limited to, the following:

(a) Paragraphs 21 through 51, above, are hereby incorporated by reference and realleged as if fully set forth herein;

(b) Respondent failed to properly use and/or adhere to a Controlled Substance Agreement.

THIRD CAUSE FOR DISCIPLINE

(Repeated Acts of Clearly Excessive Prescribing)

57. Respondent is further subject to disciplinary action under sections 2227 and 2234, as defined by section 725, of the Code, in that he has committed repeated acts of clearly excessive prescribing of drugs or treatment to patients A, B, C, and D, as determined by the standard of the community of physicians, as more particularly alleged in paragraphs 21 through 56, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Failure to Maintain Adequate and Accurate Records)**

3 58. Respondent is further subject to disciplinary action under sections 2227 and 2234, as
4 defined by section 2266, of the Code, in that Respondent failed to maintain adequate and accurate
5 records regarding his care and treatment of patients A, B, C, and D, as more particularly alleged
6 in paragraphs 21 through 56, above, which are hereby incorporated by reference and realleged as
7 if fully set forth herein.

8 **PRAYER**

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

11 1. Revoking or suspending Physician's and Surgeon's Certificate No. A 121153, issued
12 to Seth Camhi, M.D.;

13 2. Revoking, suspending or denying approval of Seth Camhi, M.D.'s authority to
14 supervise physician assistants and advanced practice nurses;

15 3. Ordering Seth Camhi, M.D., if placed on probation, to pay the Board the costs of
16 probation monitoring; and

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

18
19 DATED: **NOV 03 2020**

20 
21 WILLIAM PRASIFKA
22 Executive Director
23 Medical Board of California
24 Department of Consumer Affairs
25 State of California
26 Complainant

24 SD2020801473
25 82575567.docx