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

In the Matter of the Accusation Against: Albert James Schaefer, M.D. Physician's and Surgeon's Certificate No. C 149879 Respondent.	Case No. 800-2019-053713

DECISION

The attached Stipulated Settlement of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on MAR 0 2 2022.

IT IS SO ORDERED FEB 2 3 2022.

MEDICAL BOARD OF CALIFORNIA

William Prasifka
Executive Director

ROB BONTA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
LAWRENCE MERCER
Deputy Attorney General
State Bar No. 111898
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3488
Facsimile: (415) 703-5480
Attorneys for Complainant

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

In the Matter of the Accusation Against: **ALBERT JAMES SCHAEFER, M.D.** **1629 63rd Street** **Berkeley, CA 94703** **Physician's and Surgeon's Certificate No. C 149879** Respondent.	Case No. 800-2019-053713 **STIPULATED SURRENDER OF LICENSE AND ORDER**

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

PARTIES

1. William Prasifka (Complainant) is the Executive Director of the Medical Board of California (Board). He brought this action solely in his official capacity and is represented in this matter by Rob Bonta, Attorney General of the State of California, by Lawrence Mercer, Deputy Attorney General.

2. Albert James Schaefer, M.D. (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about June 13, 2017, the Board issued Physician's and Surgeon's Certificate No. C 149879 to Albert James Schaefer, M.D. (Respondent). The Physician's and Surgeon's

Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2019-053713 and will expire on May 31, 2023, unless renewed.

JURISDICTION

4. Accusation No. 800-2019-053713 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 September 21, 2021. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2019-053713 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 800-2019-053713. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; 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.

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

CULPABILITY

8. Respondent understands that the charges and allegations in Accusation No. 800-2019-053713, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation and that those charges constitute cause for discipline.

Respondent hereby gives up his right to contest that cause for discipline exists based on those charges.

10. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Physician's and Surgeon's Certificate without further process.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. 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 Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C 149879, issued to Respondent Albert James Schaefer, M.D., is surrendered and accepted by the Board.

1. Respondent shall lose all rights and privileges as a physician in California as of the effective date of the Board's Decision and Order.

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

3. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2019-053713 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 01/31/2022

Albert James Schaefer MD
ALBERT JAMES SCHAEFER, M.D.
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

DATED: Feb 2, 2022

Respectfully submitted,

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

LAWRENCE MERCER
Deputy Attorney General
Attorneys for Complainant

SF2021401417
43058395.docx

Accusation No. 800-2019-053713

ROB BONTA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
LAWRENCE MERCER
Deputy Attorney General
State Bar No. 111898
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3488
Facsimile: (415) 703-5480
E-mail: Larry.mercer@doj.ca.gov
Attorneys for Complainant

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

In the Matter of the Accusation Against:	Case No. 800-2019-053713
Albert Schaefer, M.D. **1629 63rd Street** **Berkeley, CA 94703** **Physician's and Surgeon's Certificate No. C 149879,** Respondent.	**A C C U S A T I O N**

PARTIES

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

2. On or about June 13, 2017, the Medical Board issued Physician's and Surgeon's Certificate Number C 149879 to Albert James Schaefer, 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 May 31, 2023, unless renewed. On August 25, 2021, Respondent's certificate was suspended and Respondent was prohibited from engaging in the practice of

medicine until the Board renders a decision after the filing of an Accusation and hearing on the merits of the charges in the Accusation.

JURISDICTION

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

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.

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.

6. Section 2239 of the Code states, in pertinent part:

(a) The use or prescribing for or administering to himself or herself, of any controlled substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely or more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section, or any combination thereof, constitutes unprofessional conduct. The record of the conviction is conclusive evidence of such unprofessional conduct.

7. Section 822 of the Code states:

If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

(a) Revoking the licentiate's certificate or license.

(b) Suspending the licentiate's right to practice.

(c) Placing the licentiate on probation.

(d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

The licensing section shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated.

FIRST CAUSE FOR DISCIPLINE

(Excessive Use of Alcohol)

8. Respondent Albert James Schaefer, M.D. is subject to disciplinary action under Section 2234 and/or 2234(a) and/or 2239 of the Code in that Respondent consumed alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to himself, or to any person or to the public. The circumstances are as follows:

9. On March 3, 2019, the Board received notification from the Department of Justice that Respondent had been arrested for driving under the influence of alcohol (DUI) in Oakland, California, on March 2, 2019.

10. The circumstances of the event are that a person in the neighborhood noticed Dr. Schaefer asleep in the driver's seat of his parked vehicle with the motor running. The person reported to 911 dispatch that the vehicle had been running for an hour and that they were unable to rouse Respondent by knocking on the window.

11. The responding police officers roused Respondent and observed him to show objective signs of alcohol intoxication. The officers observed two wine bottles, one of them empty, beside Respondent in the vehicle. Respondent stated that he had been on his way to a burger restaurant but could not find parking, so he stopped at the location where police found him asleep at the wheel. Respondent failed field sobriety tests. Breathalyzer results were .15 and .136. The police arrested Respondent for driving under the influence and took him to jail. No criminal charges were filed against Respondent.

SECOND CAUSE FOR DISCIPLINE

(Mental/Physical Impairment/Alcohol Use Disorder)

12. Pursuant to Section 822 of the Code, the Board has determined that Respondent's ability to practice medicine safely is impaired because he in mentally ill, or physically ill affecting competency and that a disciplinary order revoking or suspending his license is necessary to protect the public. The circumstances are as follows:

13. After receiving notification of Respondent's March 2, 2019 arrest, an investigator for the Board contacted that Respondent and asked him to provide a written explanation of the incident. Respondent stated that, while driving, he had received a text notification and pulled over onto a residential street to read the text, which contained upsetting information. Respondent stated that he then experienced symptoms, which he at first believed to be consistent with a heart attack, but subsequently determined to be a panic attack. Respondent reported that in his physical state he was unable to call first responders, so instead he opened and drank from a bottle of wine "to break the cycle." Respondent stated that the police did not arrest him, but took him into "protective custody" as part of a health and wellness check.

14. The Board's investigator obtained medical records from Sutter Health, which documented Respondent's voluntary psychiatric hospitalization at Herrick Hospital from April 5

through April 9, 2019. Respondent's discharge diagnoses were Major Depression, Recurrent, without Psychotic Features, Anxiety Disorder, Alcohol Use Disorder, History of Post-Traumatic Stress Disorder, Transaminitis and Thrombocytopenia. The records document Respondent's depression, suicidal ideation and inability to carry out activities of daily living, while using alcohol to address anxiety. Thereafter, Respondent participated in an outpatient program and briefly treated with a psychiatrist and a psychologist. According to the records obtained by the Board, Respondent's treatment for alcohol abuse disorder ended in 2019.

15. On June 18, 2021, Respondent voluntarily underwent a psychiatric evaluation. In addition to his 2019 arrest, Respondent described his problems with finding and keeping employment, his past participation in 12-step programs, past psychological and psychiatric treatment, ongoing panic attacks and inability to carry out basic functions of living.

16. The psychiatrist who evaluated Respondent provided a report to the Board, which states that Respondent suffers from multiple disorders, including: Alcohol Use Disorder, Severe, rule out alcohol withdrawal; Major Depression, Recurrent, Moderate; and Generalized Anxiety Disorder. As described by the evaluator, these disorders severely impair Respondent's ability to function in his personal and professional life. According to his self-report, he has been unable to find and hold a job, pay his rent or to perform basic activities of daily living. He also appeared to be in acute alcohol withdrawal, had sudden startle responses to ordinary sounds like his telephone ringing, and experienced two episodes that Dr. Davies diagnosed as panic attacks and an episode of enuresis. From a fitness for duty perspective, Respondent demonstrated disorganized thinking and poor judgment. He also gave patently false accounts of his alcohol consumption.

17. The psychiatrist who evaluated Respondent reported that Respondent's severe alcohol use disorder and other diagnoses impair his ability to function as a physician to the extent that his continued practice of medicine poses a threat to his patients. The evaluator advised that no restrictions or conditions would make it possible for Respondent to engage in the practice of medicine without endangering his patients.

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 C 149879, issued to Respondent Albert James Schaefer, M.D.;

2. Revoking, suspending or denying approval of Respondent Albert James Schaefer, M.D.'s authority to supervise physician assistants and advanced practice nurses;

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

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

DATED: SEP 21 2021

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

SF2021401417
42858543.docx