

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

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

William Ross Dobkin, M.D.

**Physician's and Surgeon's
Certificate No. G 42153**

Respondent.

Case No.: 800-2018-045886

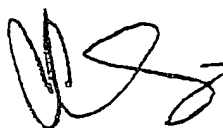
DECISION

**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 September 16, 2022.

IT IS SO ORDERED: August 19, 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 KAROLYN M. WESTFALL
Deputy Attorney General
4 State Bar No. 234540
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9465
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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

13 In the Matter of the First Amended Accusation
14 Against:

15 **WILLIAM ROSS DOBKIN, M.D.**
16 **3900 W. Coast Hwy., Ste. 300**
Newport Beach, CA 92663-4093

17 **Physician's and Surgeon's Certificate**
No. G 42153,

18 Respondent.

Case No. 800-2018-045886

OAH No. 2021090255

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

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

27 2. Respondent William Ross Dobkin, M.D. (Respondent) is represented in this
28 proceeding by attorneys Dennis Ames, Esq., and Poge Henderson, Esq., whose address is: La

1 Follette, Johnson, DeHaas, Fesler & Ames, 2677 North Main Street, Suite 901, Santa Ana, CA
2 92705-6632.

3 3. On or about June 26, 1980, the Board issued Physician's and Surgeon's Certificate
4 No. G 42153 to Respondent. The Physician's and Surgeon's Certificate was in full force and
5 effect at all times relevant to the charges brought in First Amended Accusation No. 800-2018-
6 045886, and will expire on January 31, 2024, unless renewed.

7 **JURISDICTION**

8 4. First Amended Accusation No. 800-2018-045886, which superseded the Accusation
9 filed on May 26, 2021, was filed before the Board on February 22, 2022, and is currently pending
10 against Respondent. The First Amended Accusation and all other statutorily required documents
11 were properly served on Respondent on February 22, 2022. Respondent timely filed his Notice of
12 Defense contesting the Accusation.

13 5. A copy of First Amended Accusation No. 800-2018-045886 is attached hereto as
14 Exhibit A and is 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 First Amended Accusation No. 800-2018-045886. Respondent has
18 also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated
19 Settlement and 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 First Amended Accusation; the right to confront and
22 cross-examine the witnesses against him; the right to present evidence and to testify on his own
23 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the
24 production of documents; the right to reconsideration and court review of an adverse decision;
25 and all other rights accorded by the California Administrative Procedure Act and other applicable
26 laws.

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

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2
3
4
5

6
7
8
9
10
11

12

13

14

15

16
17
18
19
20
21
22
23
24
25

26
27
28

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

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 42153 issued
6 to Respondent William Ross Dobkin, M.D., is revoked. However, the revocation is stayed and
7 Respondent is placed on probation for three (3) years from the effective date of the Decision on
8 the following terms and conditions:

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

19 2. **PROFESSIONALISM PROGRAM (ETHICS COURSE).** Within 60 calendar days of
20 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
21 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
22 Respondent shall participate in and successfully complete that program. Respondent shall
23 provide any information and documents that the program may deem pertinent. Respondent shall
24 successfully complete the classroom component of the program not later than six (6) months after
25 Respondent's initial enrollment, and the longitudinal component of the program not later than the
26 time specified by the program, but no later than one (1) year after attending the classroom
27 component. The professionalism program shall be at Respondent's expense and shall be in the
28 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

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

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

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

18 4. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is
19 prohibited from supervising physician assistants.

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

23 6. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
24 ordered to reimburse the Board its costs of investigation and enforcement, in the amount of
25 \$14,475.00 (fourteen thousand four hundred seventy-five dollars and zero cents). Costs shall be
26 payable to the Medical Board of California. Failure to pay such costs shall be considered a
27 violation of probation.

28 ///

1 Any and all requests for a payment plan shall be submitted in writing by Respondent to the
2 Board.

3 The filing of bankruptcy by Respondent shall not relieve Respondent of the responsibility
4 to repay investigation and enforcement costs.

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

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

10 8. GENERAL PROBATION REQUIREMENTS.

11 Compliance with Probation Unit

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

13 Address Changes

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

19 Place of Practice

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

23 License Renewal

24 Respondent shall maintain a current and renewed California physician's and surgeon's
25 license.

26 ///

27 ///

28 ///

1 Travel or Residence Outside California

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

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

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

11 10. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
12 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
13 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
14 defined as any period of time Respondent is not practicing medicine as defined in Business and
15 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
16 patient care, clinical activity or teaching, or other activity as approved by the Board. If
17 Respondent resides in California and is considered to be in non-practice, Respondent shall
18 comply with all terms and conditions of probation. All time spent in an intensive training
19 program which has been approved by the Board or its designee shall not be considered non-
20 practice and does not relieve Respondent from complying with all the terms and conditions of
21 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
22 on probation with the medical licensing authority of that state or jurisdiction shall not be
23 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
24 period of non-practice.

25 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
26 months, Respondent shall successfully complete the Federation of State Medical Boards' Special
27 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
28 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model

Disciplinary Orders and Disciplinary Guidelines” prior to resuming the practice of medicine.

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

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

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

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

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

13. 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

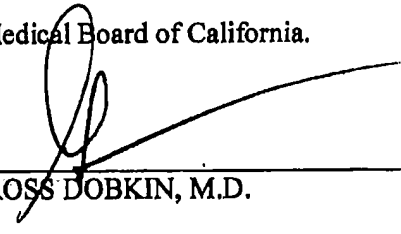
1 application shall be treated as a petition for reinstatement of a revoked certificate.

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

7 ACCEPTANCE

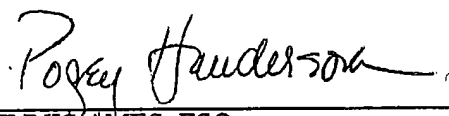
8 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
9 discussed it with my attorneys, Dennis Ames, Esq., and Pogey Henderson, Esq. I understand the
10 stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into
11 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and
12 agree to be bound by the Decision and Order of the Medical Board of California.

13
14 DATED: 3/8/2022


15 WILLIAM ROSS DOBKIN, M.D.
Respondent

16 I have read and fully discussed with Respondent William Ross Dobkin, M.D., the terms and
17 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
18 I approve its form and content.

19
20 DATED: 3/8/2022


21 DENNIS AMES, ESQ.
22 POGEY HENDERSON, ESQ.
Attorneys for Respondent

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

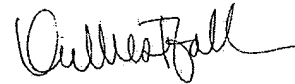
ENDORSEMENT

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

DATED: 3/8/22 _____

Respectfully submitted,

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



KAROLYN M. WESTFALL
Deputy Attorney General
Attorneys for Complainant

SD2021301210
83296572.docx

Exhibit A

First Amended Accusation No. 800-2018-045886

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 KAROLYN M. WESTFALL
Deputy Attorney General
4 State Bar No. 234540
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9465
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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

13 In the Matter of the First Amended Accusation
14 Against:

Case No. 800-2018-045886

FIRST AMENDED ACCUSATION

15 **WILLIAM ROSS DOBKIN, M.D.**
16 **3900 W. Coast Hwy., Ste. 300**
Newport Beach, CA 92663-4093

17 **Physician's and Surgeon's Certificate**
18 **No. G 42153,**

Respondent.

19
20 **PARTIES**

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

24 2. On or about June 26, 1980, the Board issued Physician's and Surgeon's Certificate
25 No. G 42153 to William Ross Dobkin, M.D. (Respondent). The Physician's and Surgeon's
26 Certificate was in full force and effect at all times relevant to the charges brought herein and will
27 expire on January 31, 2024, unless renewed.

28 ///

JURISDICTION

3. This First Amended Accusation, which supersedes the Accusation that was filed on May 26, 2021, 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, in pertinent part:

(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.

...

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.

(b) Gross negligence.

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

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

///

1 (2) When the standard of care requires a change in the diagnosis, act, or
2 omission that constitutes the negligent act described in paragraph (1), including, but
3 not limited to, a reevaluation of the diagnosis or a change in treatment, and the
4 licensee's conduct departs from the applicable standard of care, each departure
5 constitutes a separate and distinct breach of the standard of care.

6 COST RECOVERY

7 6. Section 125.3 of the Code states:

8 (a) Except as otherwise provided by law, in any order issued in resolution of a
9 disciplinary proceeding before any board within the department or before the
10 Osteopathic Medical Board upon request of the entity bringing the proceeding, the
11 administrative law judge may direct a licensee found to have committed a violation or
12 violations of the licensing act to pay a sum not to exceed the reasonable costs of the
13 investigation and enforcement of the case.

14 (b) In the case of a disciplined licentiate that is a corporation or a partnership,
15 the order may be made against the licensed corporate entity or licensed partnership.

16 (c) A certified copy of the actual costs, or a good faith estimate of costs where
17 actual costs are not available, signed by the entity bringing the proceeding or its
18 designated representative shall be prima facie evidence of reasonable costs of
19 investigation and prosecution of the case. The costs shall include the amount of
20 investigative and enforcement costs up to the date of the hearing, including, but not
21 limited to, charges imposed by the Attorney General.

22 (d) The administrative law judge shall make a proposed finding of the amount
23 of reasonable costs of investigation and prosecution of the case when requested
24 pursuant to subdivision (a). The finding of the administrative law judge with regard
25 to costs shall not be reviewable by the board to increase the cost award. The board
26 may reduce or eliminate the cost award, or remand to the administrative law judge if
27 the proposed decision fails to make a finding on costs requested pursuant to
28 subdivision (a).

(e) If an order for recovery of costs is made and timely payment is not made as
directed in the board's decision, the board may enforce the order for repayment in any
appropriate court. This right of enforcement shall be in addition to any other rights
the board may have as to any licensee to pay costs.

(f) In any action for recovery of costs, proof of the board's decision shall be
conclusive proof of the validity of the order of payment and the terms for payment.

(g)(1) Except as provided in paragraph (2), the board shall not renew or
reinstate the license of any licensee who has failed to pay all of the costs ordered
under this section.

(2) Notwithstanding paragraph (1), the board may, in its discretion,
conditionally renew or reinstate for a maximum of one year the license of any
licensee who demonstrates financial hardship and who enters into a formal agreement
with the board to reimburse the board within that one-year period for the unpaid
costs.

1 (h) All costs recovered under this section shall be considered a reimbursement
2 for costs incurred and shall be deposited in the fund of the board recovering the costs
to be available upon appropriation by the Legislature.

3 (i) Nothing in this section shall preclude a board from including the recovery of
4 the costs of investigation and enforcement of a case in any stipulated settlement.

5 (j) This section does not apply to any board if a specific statutory provision in
6 that board's licensing act provides for recovery of costs in an administrative
disciplinary proceeding.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Gross Negligence)**

9 7. Respondent has subjected his Physician's and Surgeon's Certificate No. G 42153 to
10 disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of
11 the Code, in that he was grossly negligent in his care and treatment of Patient A,¹ as more
12 particularly alleged hereinafter:

13 8. On or about May 5, 2015, Patient A, a then twenty-five year old male, presented to
14 the emergency department at Hoag Memorial Hospital (Hoag ED) with complaints of numbness
15 and tingling in both of his legs. A CT scan of Patient A's lumbar spine performed that day
16 revealed no acute abnormality.

17 9. On or about May 23, 2015, Patient A presented to Hoag ED with complaints of
18 urinary and fecal incontinence, and he was admitted to the hospital for presumed cauda equina
19 syndrome.² An MRI of his cervical spine performed on or about May 24, 2015, revealed C2-C3
20 and C3-C4 moderate foraminal stenosis,³ but was otherwise normal. An MRI of his thoracic

21 ///

22
23 ¹ To protect the privacy of the patient involved, the patient's name has not been included
in this pleading. Respondent is aware of the identity of the patient referred to herein.

24 ² Cauda equina syndrome is a rare but serious condition that describes extreme pressure
25 and swelling of the nerves at the end of the spinal cord, and disrupts motor and sensory function
26 to the lower extremities and the bladder. It is a medical emergency that calls for urgent surgical
intervention.

27 ³ Foraminal stenosis is the narrowing or tightening of the openings between the bones in
the spine.

1 spine performed on or about May 24, 2015, revealed congenital stenosis⁴ most notably at T11-
2 T12. Patient A was treated with steroids and discharged from the hospital on or about May 25,
3 2015.

4 10. On or about May 28, 2015, Patient A presented to Hoag ED with complaints of
5 intermittent urinary and stool incontinence, left lower extremity numbness, and difficulty
6 standing, and he was admitted to the hospital. MRIs of Patient A's lumbar and thoracic spine
7 performed on or about May 29, 2015, revealed mild stenosis and no new acute abnormality. On
8 or about May 30, 2015, Patient A was evaluated by neurosurgeon, M.R., M.D. (Dr. M.R.). Due
9 to Patient A's relatively mild stenosis, Dr. M.R. did not recommend a surgical intervention
10 because he did not believe a decompression would help the patient's symptoms. Throughout his
11 48 hour hospitalization, the patient did not exhibit any incontinence of bowel or bladder and the
12 patient was discharged from the hospital on or about May 30, 2015.

13 11. On or about June 8, 2015, Patient A presented to Hoag ED with complaints of back
14 pain and continued intermittent incontinence, and he was admitted to the hospital. An MRI of
15 Patient A's lumbar spine performed that day revealed stable diffuse congenital spinal stenosis.
16 An MRI of his thoracic spine performed that day revealed stable congenital narrowing of the
17 spinal canal with mild diffuse degenerative disc disease causing trace spinal stenosis. Respondent
18 performed a neurosurgical evaluation of Patient A and determined the imaging showed "marked
19 compression" of the thoracic spine at the thoracolumbar junction that was "not severe." Despite
20 the results of the repeated imaging, Respondent diagnosed the patient with "fairly significant
21 spinal stenosis," and recommended decompression and stabilization of the spine.

22 12. On or about June 9, 2015, an MRI of Patient A's cervical spine revealed stable
23 moderate left C2-C3 and C3-C4 neural foraminal stenosis. On that same day, Patient A was
24 evaluated by neurologist, D.B., M.D. (Dr. D.B.). Dr. D.B. determined that the patient's pain in

25 ⁴ Spinal stenosis occurs when the canal within the vertebrae, or spinal bones, narrow.
26 This narrowing compresses the spinal canal, causing it to pinch on the spinal cord and nerve
27 roots. It may result in pain, weakness, or numbness, often in the legs and feet. Spinal stenosis
28 may be congenital or acquired. Congenital spinal stenosis is present from birth. It is usually the
result of having a small spinal canal. Acquired spinal stenosis develops either as a result of age-
related changes to the spine or as a symptom of another medical condition.

1 the mid-thoracic level may be related to disc herniation or stenosis at that level; however, he
2 determined the imaging showed no clear cord compression, edema, or intrinsic lesion.

3 13. On or about June 13, 2015, Respondent performed a laminectomy,⁵ medial
4 fascetectomy,⁶ and pedicle screw and rod arthrodesis on Patient A at T6-T8, and T10-T12.

5 14. On or about June 17, 2015, Patient A was discharged from the hospital.

6 15. On or about June 18, 2015, Patient A presented to Hoag ED with complaints of low
7 back pain. A CT scan performed that day revealed congenital stenosis with no injury or fluid
8 collection, and the patient was discharged home.

9 16. Between on or about June 23, 2015, and on or about August 20, 2105, Patient A
10 presented to Respondent for multiple post-operative visits, during which Respondent determined
11 the patient was relatively pain free and his urinary and bladder function had returned back to
12 normal.

13 17. On or about November 22, 2015, Patient A presented to Hoag ED with complaints of
14 pain and numbness of the bilateral legs. An MRI of Patient A's lumbar spine performed that day
15 revealed a congenitally narrowed central canal from short pedicles⁷ without significant disc
16 herniation. An MRI of his thoracic spine performed that day revealed no central canal or
17 significant neural foraminal narrowing, and the patient was discharged on or about November 23,
18 2015.

19 18. On or about December 3, 2015, Patient A presented to Respondent for a follow-up
20 visit. Respondent noted Patient A had "fairly significant" congenital spinal stenosis and
21 recommended a myelogram CT and EMG nerve conduction tests.

22 ///

23 ⁵ Laminectomy is a type of surgery in which the surgeon removes part or all of the
24 vertebral bone (lamina) to ease pressure on the spinal cord or the nerve roots that may be caused
by injury, herniated disk, narrowing of the canal (spinal stenosis), or tumors.

25 ⁶ Medial facetectomy is a spinal procedure that partially removes one or both of the facet
26 joints on a set of vertebrae. The procedure intends to decompress the spinal nerves being pinched
by degenerated facet joints.

27 ⁷ The pedicle is a stub of bone that connects the lamina to the vertebral body to form the
28 vertebral arch. Two short, stout processes extend from the sides of the vertebral body and joins
with broad flat plates of bone (laminae) to form a hollow archway that protects the spinal cord.

1 19. On or about December 7, 2015, a myelogram performed on Patient A revealed a
2 small posterior disc protrusion at L5-S1, but no significant spinal stenosis or focal lumbar nerve
3 root compression.

4 20. On or about December 8, 2015, Patient A presented to Respondent for a follow-up
5 visit. At that time, Respondent determined that the source of the patient's symptoms was unclear.

6 21. On or about December 14, 2015, an EMG nerve conduction study performed on
7 Patient A revealed a minimally abnormal study, with findings suggestive for very mild and
8 chronic bilateral L4 radiculopathy. Patient A was evaluated by neurologist, K.S., M.D. (Dr. K.S.)
9 that day, who determined that the source of his subjective symptoms may be pain-related.

10 22. On or about December 21, 2015, Patient A presented to Hoag ED with complaints of
11 lower extremity pain and urinary incontinence, and he was admitted to the hospital. Respondent
12 evaluated Patient A that day and determined the source of his symptoms was unclear.

13 23. On or about December 22, 2015, an MRI of Patient A's thoracic spine was performed
14 that revealed no definite central stenosis or cord compression.

15 24. On or about December 23, 2015, an MRI of Patient A's cervical spine was performed
16 that revealed an unremarkable cervical cord with minimal left neural foraminal narrowing at C2-
17 C4.

18 25. On or about December 24, 2015, Patient A was discharged from the hospital.

19 26. On or about April 25, 2016, an EMG nerve conduction study was performed on
20 Patient A that revealed an essentially normal study with no electrophysiologic evidence for
21 compressive neuropathy or cervical radiculopathy in either upper extremity.

22 27. On or about May 27, 2016, Patient A presented to Hoag ED with complaints of
23 bilateral leg pain and numbness, and twitching in his arms and legs, and he was admitted to the
24 hospital. MRIs of Patient A's cervical and lumbar spine performed on or about May 27, 2016,
25 revealed no acute findings, and the patient was discharged on or about May 29, 2016.

26 28. On or about May 30, 2016, Patient A presented to Hoag ED with complaints of
27 numbness in his hands, and pain and weakness in his legs, and he was admitted to the hospital.

28 ///

1 29. On or about May 31, 2016, Respondent evaluated Patient A and determined that the
2 source of his problems was unclear and recommended a neurology consultation.

3 30. On or about June 1, 2016, neurologist, A.L., M.D. (Dr. A.L.) evaluated Patient A and
4 determined the patient had no gross pathology that correlated with the patient's symptoms. In
5 addition, his neurologic exam demonstrated good strength testing in all muscles of the bilateral
6 lower extremities with intact reflexes and proprioception without revealing any evidence of
7 radiculopathy or peripheral neuropathy. Dr. A.L. recommended pain management, and Patient A
8 was discharged on or about June 2, 2016.

9 31. On or about June 13, 2016, Patient A presented to Hoag ED with complaints of
10 urinary incontinence and he was admitted to the hospital. MRIs of Patient A's lumbar and
11 thoracic spine performed that day revealed no significant changes from prior imaging or evidence
12 of acute abnormality, and the patient was discharged on or about June 17, 2016.

13 32. On or about June 28, 2016, Patient A presented to Hoag ED with complaints of low
14 back pain and urinary incontinence, and he was admitted to the hospital.

15 33. On or about June 29, 2016, Patient A was evaluated by psychiatrist, P.D., M.D. (Dr.
16 P.D.) who determined that a conversion disorder⁸ shall remain a diagnosis of exclusion for this
17 patient. On that same day, Respondent evaluated Patient A and determined he had "very severe
18 congenital spinal stenosis." Because the patient's pain was primarily below the area of his prior
19 fusion, Respondent recommended decompression and extension of the fusion down another
20 couple levels.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ⁸ Conversion disorder is a mental condition in which a person experiences physical
28 symptoms of a health problem but has no injury or illness to explain them.

1 34. On or about July 2, 2016, Respondent performed an exploration of Patient A's prior
2 fusion, removal of the T10-T12 instrumentation, a T12-L2 laminectomy, medial fascetectomy
3 and foraminotomy,⁹ and pedicle screw and rod instrumented arthrodesis at T10-L2 with a partial
4 correction of kyphosis.¹⁰

5 35. On or about July 6, 2016, Patient A was discharged from the hospital.

6 36. Between on or about July 12, 2016, and on or about July 26, 2016, Patient A
7 presented to Respondent for multiple post-operative visits, during which Respondent determined
8 the patient was doing well and had almost returned to normal.

9 37. On or about October 6, 2016, Patient A presented to Hoag ED with complaints of
10 back pain and bowel incontinence, and he was admitted to the hospital. MRIs of Patient A's
11 lumbar and thoracic spine performed that day revealed mild congenital narrowing but no acute
12 findings.

13 38. On or about October 7, 2016, a CT scan of Patient A's lumbar spine was performed
14 that revealed no gross central stenosis at the T12-L1 levels and minor disc bulges were seen at
15 L2-L3. The patient was discharged from the hospital that day.

16 39. On or about October 11, 2016, Patient A presented to Hoag ED with complaints of
17 low back pain and urinary incontinence. A CT of the lumbar spine was performed that revealed
18 no acute findings and the patient was discharged.

19 40. On or about October 14, 2016, Patient A presented to Hoag ED with complaints of
20 low back pain, numbness, and urinary and bowel incontinence, and he was admitted to the
21 hospital.

22 41. On or about October 15, 2016, an MRI of Patient A's lumbar spine was performed
23 that revealed congenitally short pedicles and prominence of the posterior epidural fat causing
24 mild stenosis within the lumbar spine, but no acute abnormality.

25 ⁹ Foraminotomy is a decompression surgery involving the removal of bone and tissue
26 obstructing the neuroforamen to release the pressure on the spinal nerve roots. In severe cases,
the entire facet joint is removed which is referred to as lumbar facetectomy.

27 ¹⁰ Kyphosis is a spinal disorder in which an excessive outward curve of the spine results in
28 an abnormal rounding of the upper back.

1 42. On or about October 17, 2016, Respondent diagnosed Patient A with "severe
2 congenital spinal stenosis," and performed an exploration of the prior fusion, laminectomy at L1-
3 L4, medial fascetectomy at L2-L4, bilateral foraminotomy at L1-L4, and posterior spinal fusion
4 from T12-L4 using autograft and allograft.¹¹

5 43. On or about October 22, 2016, Patient A was discharged from the hospital.

6 44. On or about November 15, 2016, Patient A presented to Respondent for a post-
7 operative visit, during which Respondent determined the patient was much improved with no leg
8 pain, limited back pain in the cervical spine, and occasional incontinence.

9 45. On or about November 16, 2016, an x-ray of Patient A's lumbar spine was performed
10 that revealed anatomic alignment of the lumbar spine. An x-ray of his cervical spine also
11 performed that day revealed mild bony neural foraminal narrowing in the upper cervical spine
12 bilaterally, otherwise unremarkable.

13 46. On or about November 20, 2016, an MRI of Patient A's cervical spine was performed
14 that revealed stable mild bilateral C3-C4 foraminal encroachment, but was otherwise
15 unremarkable.

16 47. On or about November 29, 2016, Patient A presented to Respondent for a post-
17 operative visit, during which Respondent determined the patient was "much better in his legs,"
18 and his occasional incontinence was much improved. Respondent further noted that the patient
19 had been experiencing increasing weakness in his hands, the source of which was not clearly
20 known to him.

21 48. On or about November 30, 2016, Patient A presented to Hoag ED with complaints of
22 numbness and tingling in his hands, neck pain, and incontinence, and he was admitted to the
23 hospital.

24 49. On or about December 1, 2016, Patient A was evaluated by Respondent, who
25 determined the source of the patient's symptoms was unclear, and he recommended a neurology
26 consultation. On that same day, Patient A was evaluated by neurologist, J.P., M.D. (Dr. J.P.). Dr.

27 ¹¹ An autograft is a bone or tissue that is transferred from one spot to another on the
28 patient's body. An allograft is a bone or tissue that is transplanted from one person to another.
They typically come from a donor, or cadaver bone.

1 J.P. determined Patient A's MRI did not suggest syrinx or cervical cord involvement, and
2 recommended an EMG nerve conduction study.

3 50. On or about December 4, 2016, despite the imaging results, Respondent diagnosed
4 Patient A with congenital spinal stenosis and cervical myelopathy,¹² and performed a bilateral
5 resection of ligamentum flavum at C2-C5, and fusion and laminoplasty utilizing titanium
6 implants at C3-C4.

7 51. On or about December 6, 2016, Patient A was discharged from the hospital.

8 52. Between on or about December 15, 2016, and on or about January 10, 2017, Patient
9 A presented to Respondent for multiple post-operative visits, during which he determined the
10 patient was markedly improved in his upper extremity function with no more incontinence.

11 53. On or about February 15, 2017, Patient A presented to Hoag ED with complaints of
12 pain and numbness in his neck and left arm. An x-ray of his cervical spine performed that day
13 revealed stable postoperative fixation devices and no acute bony injury. An MRI of his cervical
14 spine performed that day revealed diffuse narrowing of the central canal due to congenitally short
15 pedicles, mild disc desiccation at C2-C4 with mild left disc osteophyte complex, and
16 unvertebral arthropathy, resulting in mild left-sided neural foraminal stenosis. The patient
17 was treated for pain and discharged.

18 54. On or about February 25, 2017, Patient A presented to Hoag ED with complaints of
19 upper back pain radiating down his left arm, and he was admitted to the hospital. Respondent
20 evaluated Patient A that day and due to his ongoing symptoms in his left upper extremity,
21 Respondent recommended surgical stabilization. Respondent did not order a CT scan of the
22 cervical spine at that time to evaluate the hardware and fusion. On that same day, Respondent
23 performed an anterior cervical discectomy, fusion, and foraminotomy at C3-C5 with cervical
24 spine plating at C3-C5.

25 55. On or about February 27, 2017, Patient A was discharged from the hospital.

26 ///

27
28 ¹² Myelopathy is an injury to the spinal cord due to severe compression that may result
from trauma, congenital stenosis, degenerative disease or disc herniation.

1 56. On or about March 14, 2017, Patient A presented to Respondent for a post-operative
2 visit, during which Respondent determined the patient was dramatically better and relatively
3 symptom-free.

4 57. On or about May 3, 2017, Patient A presented to Hoag ED with complaints of a
5 syncopal episode secondary to back pain and bilateral lower extremity numbness. An MRI of his
6 lumbar spine performed that day revealed no definite canal stenosis and no significant
7 abnormality. The patient was treated for pain and discharged.

8 58. On or about May 6, 2017, Patient A presented to Hoag ED with complaints of low^{port}
9 back pain with numbness and tingling in the lower extremities and urinary incontinence, and he
10 was admitted to the hospital. A CT scan of Patient A's lumbar spine performed that day revealed
11 intact hardware, anatomic alignment, and no acute fracture.

12 59. On or about May 8, 2017, Respondent evaluated Patient A and determined that the
13 source of his symptoms was unclear and recommended injections for pain. The patient was
14 discharged on or about May 10, 2017.

15 60. On or about May 17, 2017, Patient A presented to Hoag ED with complaints of back
16 pain and occasional urinary incontinence. The patient was admitted to the hospital for pain
17 control, received a lumbar steroid injection, and was discharged on or about May 22, 2017.

18 61. On or about May 25, 2017, Patient A presented to Hoag ED with complaints of low
19 back pain and he was admitted to the hospital.

20 62. On or about May 26, 2017, Respondent evaluated Patient A and determined that
21 imaging of his spine and pelvis showed no acute fractures or new injuries, and no stenosis
22 distally. Due to the patient's ongoing problems and pain, Respondent recommended the
23 implantation of a dorsal column stimulator.¹³ On that same day, Respondent performed a
24 laminectomy on Patient A at T9-T10 and implantation of a dorsal column stimulator. Respondent
25 did not perform a trial on Patient A prior to the procedure because he believed it to be

26 ///

27 _____
28 ¹³ A spinal cord stimulator is an implanted device that sends low levels of electricity
directly into the spinal cord to relieve pain.

unnecessary and too dangerous to utilize percutaneous leads in this patient due to his prior surgeries.

63. On or about May 27, 2017, Patient A was discharged from the hospital.

64. On or about May 29, 2017, Patient A presented to Hoag ED with complaints of abdominal pain, and he was admitted to the hospital. A CT scan of the patient's lumbar spine performed that day revealed no obvious intraspinal or spinal column abnormality. A CT scan of the patient's abdomen and pelvis performed that day revealed unremarkable findings.

65. On or about May 31, 2017, Respondent evaluated Patient A and recommended repositioning and reprogramming of the stimulator by the manufacturer. This was subsequently performed and the patient was discharged from the hospital on or about June 1, 2017.

66. On or about June 3, 2017, Patient A presented to Hoag ED with complaints of abdominal pain and he was admitted to the hospital. A CT scan of Patient A's thoracic spine performed that day revealed no acute bony abnormality and intraspinal stimulators with tip at the level of T8.

67. On or about June 4, 2017, Respondent evaluated Patient A and recommended exploration of the stimulator and possible decompression.

68. On or about June 5, 2017, Respondent performed an exploration of the dorsal column stimulator on Patient A. During the surgery, Respondent identified and removed a large postoperative hematoma in the thoracic spine and in the area of the pulse generator, which was removed and the spinal cord decompressed. Respondent removed and replaced the implantable pulse generator and the stimulator leads with thinner percutaneous leads.

69. On or about June 6, 2017, Patient A was discharged from the hospital.

70. On or about June 19, 2017, Patient A presented to Hoag ED with complaints of abdominal pain and he was admitted to the hospital. Respondent evaluated Patient A that day and because the stimulator was not providing the patient any relief and possibly causing untoward effects, Respondent recommended removal of the dorsal column stimulator.

71. On or about June 21, 2017, Respondent performed an exploration and removal of the dorsal column stimulator on Patient A. Respondent did not obtain any new imaging studies prior

1 to performing this procedure, but diagnosed the patient with myelopathy, probably secondary to
2 compression of spinal cord from adjacent stimulator wires.

3 72. On or about June 22, 2017, Patient A was discharged from the hospital.

4 73. On or about June 27, 2017, Patient A presented to Respondent for a post-operative
5 visit during which Respondent determined the patient was relatively asymptomatic and his
6 previous severe sacral pain was gone.

7 74. On or about July 10, 2017, Patient A presented to Hoag ED with complaints of back
8 pain. The patient was treated for pain and discharged.

9 75. On or about July 11, 2017, Patient A presented to Hoag ED with complaints of back
10 pain radiating down his left leg, numbness, and abdominal pain. The patient was treated for pain
11 and discharged.

12 76. On or about July 12, Patient A presented to Hoag ED with complaints of back pain
13 and he was admitted to the hospital. The next day, CT scans of Patient A's cervical, thoracic, and
14 lumbar spine were performed that revealed no acute abnormality. MRIs of Patient A's lumbar
15 and cervical spine were also performed and revealed no acute abnormality and no significant
16 stenosis. The patient was discharged on or about July 14, 2017.

17 77. On or about July 27, 2017, Patient A presented to Respondent for a follow-up visit
18 with complaints of continued severe pain in the lumbrosacral spine. Respondent determined there
19 were no signs of instrumentation failure or malposition, but suggested that the fusion may be
20 exerting stress on the caudal spine and recommended facet injections at L4-S1.

21 78. On or about July 29, 2017, Patient A presented to Hoag ED with complaints of back
22 pain. The patient was provided L4-5 facet joint injection and discharged.

23 79. On or about July 31, 2017, Patient A presented to Hoag ED with complaints of back
24 pain. The patient was treated for pain, placed on a pain contract, and discharged.

25 80. On or about August 9, 2017, Patient A presented to Hoag ED with complaints of
26 bilateral lower extremity weakness, numbness, and tingling. The patient had no physical exam
27 findings concerning for acute spinal cord process and was discharged.

28 ///

1 81. On or about August 11, 2017, Patient A presented to Hoag ED with complaints of
2 bilateral leg numbness and urinary incontinence, and he was admitted to the hospital.

3 82. On or about August 12, 2017, an MRI of Patient A's lumbar spine was performed that
4 revealed no gross abnormality.

5 83. Sometime between on or about August 11, 2017, and on or about August 14, 2017,¹⁴
6 Respondent evaluated Patient A. Respondent noted that facet injections had only provided the
7 patient with temporary relief. Respondent did not order or obtain any new CT scans, but
8 determined that the patient's symptoms may be a result of some areas of nonunion and loosening
9 instrumentation coupled with hypermobility at the areas adjacent to his fusion. Despite his prior
10 surgeries failing to provide Patient A with any long term improvement, Respondent
11 recommended surgical exploration, further decompression, and stabilization.

12 84. On or about August 14, 2017, Respondent performed an exploration of the previous
13 fusion on Patient A, removal of unincorporated bone and scar from T8-L4, removal of pedicle
14 screws from T8-L4, bilateral L4-S1 laminotomy, medial facetectomy, and foraminotomy,
15 placement of pedicle screws at T6-pelvis, and posterior spinal fusion of T6-pelvis utilizing
16 autograft and allograft. The operative report did not describe a finding of pseudoarthroses or
17 loosened hardware during the procedure.

18 85. On or about August 17, 2017, Patient A was discharged from the hospital.

19 86. On or about August 31, 2017, Patient A presented to Respondent for a post-operative
20 visit during which Respondent determined the patient was pain-free for the first time. However,
21 due to Patient A's body habitus and osteoporosis, Respondent recommended an anterior fusion to
22 increase his chance of healing.

23 87. On or about September 6, 2017, Patient A presented to Hoag ED with complaints of
24 leg weakness and he was admitted to the hospital. An MRI of Patient A's lumbar spine
25 performed that day that revealed large amounts of postsurgical fluid posterior to the lumbar spine.

26 ///

27 ¹⁴ Respondent completed a consultation note for this visit that indicates his evaluation
28 occurred on August 15, 2017, which is not possible based upon a surgical date of August 14,
2017.

1 The fluid was aspirated, the patient was prescribed IV antibiotics, and he was discharged on or
2 about September 10, 2017.

3 88. On or about September 13, 2017, Patient A presented to Hoag ED with complaints of
4 hip pain and he was admitted to the hospital. An MRI of Patient A's lumbar spine performed that
5 day revealed stable large posterior paraspinal fluid collection within the laminectomy bed from
6 T12-L5. The fluid was aspirated and subsequently tested positive for mycobacteria.

7 89. On or about September 23, 2017, Respondent performed an exploration, irrigation,
8 and debridement of unincorporated bone graft at T12-sacrum on Patient A, and found no evidence
9 of acute infection. Patient A was discharged from the hospital on or about September 27, 2017.

10 90. On or about October 5, 2017, Patient A presented to Hoag ED with complaints of
11 intermittent fevers and possible infection, and he was admitted to the hospital. MRIs of Patient
12 A's lumbar spine, cervical spine, and thoracic spine were performed and revealed no acute
13 changes other than postsurgical fluid collection. Patient A was prescribed antibiotics and was
14 discharged from the hospital on or about October 8, 2017.

15 91. On or about October 10, 2017, Patient A presented to the emergency department at
16 St. Jude Hospital (St. Jude ED) with complaints of back pain. Imaging studies taken that day
17 revealed no acute pathology and no fluid collection, and he was discharged.

18 92. On or about October 14, 2017, Patient A presented to Hoag ED with complaints of
19 hip and back pain. The patient was treated for pain and discharged.

20 93. On or about October 17, 2017, Patient A presented to Respondent for a follow-up
21 visit with continued complaints of severe pain mostly in the buttock region. Respondent
22 reviewed the patient's CT scans from St. Jude ED and determined there was no clear evidence of
23 loosening of the screws in the pelvis, but determined the screws may be a cause for his problems.
24 Respondent recommended hardware injections for his pain, which were performed on or about
25 October 21, 2017.

26 94. On or about October 24, 2017, Patient A presented to Respondent for a follow-up
27 visit with complaints of continued severe pain over the screws in his ileum and urinary

28 ///

1 incontinence. Respondent noted the absence of stenosis and normal L5-S1 disc and
2 recommended removal of the L5-pelvic hardware.

3 95. On or about October 31, 2017, Patient A presented to Hoag ED with complaints of
4 lumbar pain and he was admitted to the hospital.

5 96. On or about November 1, 2017, Respondent performed an exploration of the previous
6 lumbosacral pelvic fusion, removal of the pelvic hardware, placement of pedicle screws at S1,
7 and instrumented arthrodesis at L3-S1. During the procedure, Respondent noted the screws in the
8 ileum were "extremely loose."

9 97. On or about November 3, 2017, Patient A was discharged from the hospital.

10 98. On or about November 14, 2017, Patient A presented to Respondent for a post-
11 operative visit, during which Respondent determined the patient was doing well. Due to Patient
12 A's osteoporosis and high risk for failure, Respondent recommended an expeditious anterior
13 interbody fusion at least in the patient's lower three segments of the spine.

14 99. On or about November 28, 2017, Patient A presented to Hoag ED for admission for
15 surgery by Respondent. Respondent evaluated Patient A that day and due to the patient's
16 osteoporosis and likelihood of failure in the lower spine, he determined it was "mandatory" to
17 perform an anterior column support and interbody fusion.

18 100. On or about November 29, 2017, Respondent performed an L3-S1 anterior lumbar
19 interbody instrumented arthrodesis on Patient A.

20 101. On or about November 30, 2017, Patient A was discharged from the hospital.

21 102. Between on or about December 12, 2017, and on or about February 6, 2018, Patient
22 A presented to Respondent for multiple post-operative visits, during which Respondent found the
23 patient had good stability, improved bladder function, and was almost pain-free.

24 103. On or about March 19, 2018, Patient A presented to Hoag ED with complaints of
25 back pain and lower extremity weakness. MRIs of Patient A's cervical, lumbar, and thoracic
26 spine performed that day revealed no acute abnormality or fluid collection. The patient was
27 treated for pain and discharged.

28 ///

1 104. On or about May 9, 2018, Patient A presented to Hoag ED with complaints of back
2 pain and was admitted to the hospital. An MRI of Patient A's lumbar spine performed that day
3 revealed nonspecific posterior paraspinal fluid collection at L4-L5. The fluid was aspirated and
4 the patient was discharged on or about May 11, 2018.

5 105. On or about May 14, 2018, Patient A presented to Hoag ED with complaints of back
6 pain. MRIs of Patient A's thoracic and lumbar spine revealed no significant stenosis and a
7 decrease in fluid collection, and the patient was discharged on or about May 15, 2018.

8 106. On or about May 16, 2018, Patient A presented to Hoag ED with complaints of upper
9 back pain and he was admitted to the hospital.

10 107. On or about May 17, 2018, Respondent evaluated Patient A. Respondent did not
11 order or obtain any new CT scans, but determined the patient's symptoms may be a result of
12 loosening instrumentation or hernia. Despite his prior surgeries failing to provide Patient A with
13 long term improvement, Respondent recommended surgical exploration, and possible extension
14 of the fusion.

15 108. On or about May 18, 2018, Respondent performed an exploration of the
16 thoracolumbar fusion on Patient A, removal of the T4-T8 hardware on the left and the T4-T6
17 hardware on the right, debridement of unincorporated bone scar from T4-L2, and instrumented
18 arthrodesis on the left and right at T3-T10. During the procedure, Respondent noted the screws
19 proximally were found to be "quite loosened."

20 109. On or about May 22, 2018, Patient A was discharged from the hospital.

21 110. Between on or about May 26, 2018, and on or about June 21, 2018, Patient A
22 presented to Hoag ED approximately eight (8) times and to St. Jude ED one (1) time with various
23 complaints, including but not limited to, left-sided chest heaviness, tingling and numbness in his
24 arms, numbness in his legs, back pain, neck pain, headache, nausea, and urinary and bowel
25 incontinence.

26 111. On or about June 24, 2018, Patient A presented to Hoag ED with complaints of back
27 pain, nausea, leg weakness and urinary incontinence, and he was admitted to the hospital. An
28 MRI of Patient A's thoracic and lumbar spine performed that day revealed no significant stenosis

1 or intraspinal mass or fluid. Respondent evaluated Patient A that day and determined there was
2 no clear etiology for his symptoms and recommended a myelogram. A myelogram performed
3 that day revealed unremarkable results with no evidence of significant stenosis.

4 112. On or about June 25, 2018, Patient A was evaluated by psychiatrist, Dr. P.D., who
5 determined that conversion disorder was a diagnosis of exclusion for this patient, and if all
6 neurological workup has been exhausted and there was no objective evidence to indicate an
7 organic cause of his current deficits, further procedures should be avoided.

8 113. On or about June 28, 2018, Patient A was evaluated by pain management physician
9 assistant, M.S., P.A. (M.S.). M.S. determined Patient A may benefit from a narcotic intrathecal
10 pump, and recommended a trial before permanent implantation of a pump.

11 114. On or about June 29, 2018, Respondent performed a microsurgical implantation of an
12 intrathecal pump on Patient A. Respondent did not perform a trial of the pump prior to
13 implantation. During this procedure, Respondent dissected down to the dura and removed heavy
14 scar and epidural fibrosis in the region. The pump was set with Dilaudid¹⁵ 1 mg per day, and was
15 to be managed by Patient A's pain management physician, C.C., M.D. (Dr. C.C.).

16 115. On or about June 30, 2018, Patient A was discharged from the hospital.

17 116. On or about July 5, 2018, Dr. C.C. reprogrammed Patient A's pump to .48 mg of
18 Dilaudid per day due to the patient's complaints of nausea.

19 117. On or about July 6, 2018, Dr. C.C. refilled and reprogrammed Patient A's pump with
20 morphine .8 mg per day due to the patient's complaints of continued nausea.

21 118. On or about July 13, 2018, Patient A presented to Hoag ED with complaints of
22 nausea, headache, and pain around the incision site of the intrathecal pump, and he was admitted
23 to the hospital. A CT scan of Patient A's abdomen and pelvis performed that day revealed no
24 acute findings. Respondent evaluated Patient A and suspected a cerebrospinal fluid (CSF) leak.
25 Respondent did not order a trial of bedrest with flat head-of-bed posture, but recommended
26 exploration of the system. On that same day, Respondent performed an exploration and widening

27 ¹⁵ Dilaudid (brand name for hydromorphone), is a Schedule II controlled substance
28 pursuant to Health and Safety Code section 11055, subdivision (b), and a dangerous drug
pursuant to Business and Professions Code section 4022.

1 of the laminectomy on Patient A and further closure of the dura with use of TachoSil and
2 Duraseal. During the procedure, Respondent identified some CSF leaking proximally. After the
3 surgery, Respondent did not order an appropriate period of post-operative bedrest with flat head-
4 of-bed posture.

5 119. On or about July 15, 2018, Patient A was discharged from the hospital.

6 120. On or about July 17, 2018, Patient A presented to Hoag ED with complaints of
7 dizziness, nausea, and abdominal pain, and he was admitted to the hospital. A myelogram
8 performed on Patient A on or about July 20, 2018, revealed no obvious extravasation of contrast,
9 and the patient was discharged on or about July 21, 2018.

10 121. On or about July 25, 2018, Patient A presented to Hoag ED with complaints of
11 dizziness and abdominal pain, and he was admitted to the hospital. Patient A's pain pump
12 settings were decreased to the lowest settings and the patient was discharged on or about July 26,
13 2018.

14 122. On or about July 27, 2018, Patient A presented to St. Jude ED unresponsive, febrile,
15 tachycardic, and bradypneic. Patient A was treated for morphine overdose with Narcan and was
16 discharged on or about July 28, 2018. Labs taken prior to Patient A's discharge subsequently
17 revealed a positive result for bacteremia with streptococcus. Patient A was then readmitted to St.
18 Jude on or about July 29, 2018, treated for the infection, and discharged on or about August 1,
19 2018.

20 123. On or about August 9, 2018, Patient A presented to Respondent with complaints of
21 continued headache and requested removal of the pain pump.

22 124. On or about August 11, 2018, Respondent performed a lumbar laminectomy on
23 Patient A, removed a tumor, widened the laminectomy, repaired the dura, and removed the pain
24 pump.

25 125. Between on or about August 16, 2018, and on or about September 23, 2018, Patient A
26 presented to Hoag ED approximately thirteen (13) times with various complaints, including but
27 not limited to, abdominal pain, fever, urinary incontinence, back pain, numbness in his back,

28 ///

numbness in his hands, headache, right leg weakness, heaviness in his chest, bilateral upper extremity weakness, and neck pain.

126. On or about September 20, 2018, MRIs of Patient A's cervical and thoracic spine were performed that revealed no significant stenosis and no evidence of an acute abnormality.

127. On or about October 2, 2018, Patient A presented to Respondent for a follow-up with complaints of neck pain, discoloration and weakness of his hands, and incontinence. Respondent noted that the source of Patient A's problems was unclear, informed him that he believed no further surgery was indicated, and recommended he obtain another neurosurgical opinion.

128. On or about March 6, 2019, as a result of chronic pain related to his hardware, neurosurgeon M.O., M.D., removed Patient A's instrumentation from T3-L2.

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

- A. Performing an instrumented arthrodesis on Patient A on or about June 13, 2015, without indication;
- B. Repeatedly performing therapeutic interventions on Patient A based upon suspected but unproven diagnoses; and
- C. Failing to perform standard diagnostic testing on Patient A prior to implanting a spinal cord stimulator on or about May 26, 2017, and an intrathecal pump on or about June 29, 2018.

SECOND CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

130. Respondent has further subjected his Physician's and Surgeon's Certificate No. G 42153 to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (c), of the Code, in that he committed repeated negligent acts in his care and treatment of Patient A, as more particularly alleged hereinafter:

- A. Paragraphs 7 through 129 (C), above, are hereby incorporated by reference and realleged as if fully set forth herein;

///

1 B. Failing to order a trial of bedrest with flat head-of-bed posture prior to
2 performing a surgical exploration and repair of possible CSF leak on or about
3 July 13, 2018.

4 PRAYER

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

7 1. Revoking or suspending Physician's and Surgeon's Certificate No. G 42153, issued
8 to Respondent, William Ross Dobkin, M.D.;

9 2. Revoking, suspending or denying approval of Respondent, William Ross Dobkin,
10 M.D.'s authority to supervise physician assistants and advanced practice nurses;

11 3. Ordering Respondent, William Ross Dobkin, M.D., to pay the Board the costs of the
12 investigation and enforcement of this case, and if placed on probation, to pay the Board the costs
13 of probation monitoring; and

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

15
16 DATED: **FEB 22 2022**



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

17
18
19
20
21 SD2021301210
22 83215972.docx
23
24
25
26
27
28