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

In the Matter of the First Amended Accusation Against: Tiffany Baer, M.D. Physician's & Surgeon's Certificate No. A 67112 Respondent.	Case No. 800-2018-049322

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 10, 2023.

IT IS SO ORDERED: January 13, 2023.

MEDICAL BOARD OF CALIFORNIA

Laurie Rose Lubiano, Chair
Panel A

ROB BONTA
Attorney General of California
ROBERT MCKIM BELL
Supervising Deputy Attorney General
TRINA L. SAUNDERS
Deputy Attorney General
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California Department of Justice
300 South Spring Street, Suite 1702
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Attorneys for Complainant

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

In the Matter of the First Amended Accusation Against: **TIFFANY BAER, M.D.** 217 Yale Avenue Kensington, California 94708 Physician's and Surgeon's Certificate No. A 67112 Respondent.	Case No. 800-2018-049322 OAH No. 2021120503 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

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

PARTIES

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

2. Respondent Tiffany Baer, M.D. (Respondent) is represented in this proceeding by Kimberly A. Shields, of Murphy, Pearson, Bradley & Feeney, 520 Capitol Mall, Suite 250, Sacramento, CA 95814.

3. On December 11, 1998, the Board issued Physician's and Surgeon's Certificate No. A 67112 to Tiffany Baer, M.D. (Respondent). That license was in full force and effect at all times relevant to the charges brought in the First Amended Accusation No. 800-2018-049322, and will expire on October 31, 2024, unless renewed.

JURISDICTION

4. First Amended Accusation No. 800-2018-049322 was filed before the Board, and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent on June 13, 2022. Respondent timely filed her Notice of Defense contesting the charges in the First Amended Accusation.

5. A copy of the First Amended Accusation in Case No. 800-2018-049322 is attached as Exhibit A and is incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in First Amended Accusation No. 800-2018-049322. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

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CULPABILITY

9. Respondent understands and agrees that the charges and allegations in First Amended Accusation No. 800-2018-049322, if proven at a hearing, constitute cause for imposing discipline upon her Physician's and Surgeon's Certificate.

10. Respondent agrees that, at a hearing, Complainant could establish a prima facie case for the charges in the First Amended Accusation, and that Respondent hereby gives up her right to contest those charges.

11. Respondent does not contest that, at an administrative hearing, Complainant could establish a prima facie case with respect to the charges and allegations in First Amended Accusation No. 800-2018-049322, a true and correct copy of which is attached hereto as Exhibit A, and that he has thereby subjected her Physician's and Surgeon's Certificate, No. A 67112 to disciplinary action.

12. Respondent agrees that her Physician's and Surgeon's Certificate is subject to discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

13. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, and 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.

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

A. PUBLIC REPRIMAND.

IT IS HEREBY ORDERED THAT Physician's and Surgeon's Certificate No. A 67112 issued to Respondent Tiffany Baer, M.D., shall be and is hereby Publicly Reprimanded pursuant to California Business and Professions Code section 2227, subdivision (a)(4). This Public Reprimand is issued in connection with the care and treatment of two patients, as set forth in First Amended Accusation No. 800-2018-049322, and is as follows:

> "In 2017 and 2018, you departed from the standard of care by inappropriately issuing broad exemptions to Patients A and B, respectively. The patients were exempted from immunization for all vaccines, without appropriate indication, or an appropriate medical basis, as more fully described in First Amended Accusation No. 800-2018-049322."

B. EDUCATION COURSE. In addition, within 60 calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for its prior approval educational program(s) or course(s) which shall not be less than 30 hours. The educational program(s) or course(s) shall be aimed at correcting any areas of deficient practice or knowledge and shall be Category I certified. The educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure. Following the completion of each course, the Board or its designee may administer an examination to test Respondent's knowledge of the course. Respondent shall provide proof of attendance for 55 hours of CME of which 30 hours were in satisfaction of this condition.

C. INVESTIGATION/ENFORCEMENT COST RECOVERY. Within 60 calendar days of the effective date of this Decision, Respondent is hereby ordered to reimburse the Board its cost of investigation and enforcement, including, but not limited to expert review, amended

accusations, legal reviews, joint investigations, and subpoena enforcement, in the amount of $5,060.00 (Five Thousand, and sixty dollars). Costs shall be payable to the Medical Board of California.

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

Any failure to fully comply with the terms of this Disciplinary Order shall constitute unprofessional conduct and will subject Respondent's Physician's and Surgeon's Certificate to further disciplinary action.

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

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

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

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ACCEPTANCE

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

DATED: _____ _____
TIFFANY BAER, M.D.
Respondent

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

DATED: _____ _____
KIMBERLY A. SHIELDS
Attorney for Respondent

ENDORSEMENT

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

DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
ROBERT MCKIM BELL
Supervising Deputy Attorney General

TRINA L. SAUNDERS
Deputy Attorney General
Attorneys for Complainant

ACCEPTANCE

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

DATED: 12/16/22

TIFFANY BAER, M.D.
Respondent

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

DATED: 12/27/22

KIMBERLY A. SHIELDS
Attorney for Respondent

ENDORSEMENT

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

DATED: 12/27/22

Respectfully submitted,

ROB BONTA
Attorney General of California
ROBERT MCKIM BELL
Supervising Deputy Attorney General

TRINA L. SAUNDERS
Deputy Attorney General
Attorneys for Complainant

Exhibit A

First Amended Accusation No. 800-2018-049322

ROB BONTA
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Attorneys for Complainant

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

In the Matter of the First Amended Accusation Against: **TIFFANY BAER, M.D.** **217 Yale Avenue** **Kensington, CA 94708** **Physician's and Surgeon's Certificate A 67112,** Respondent.	Case No. 800-2018-049322 OAH No. 2021120503 **FIRST AMENDED ACCUSATION**

PARTIES

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

2. On December 11, 1998, the Board issued Physician's and Surgeon's Certificate Number A 67112 to Tiffany Baer, M.D. (Respondent). That license was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2022, unless renewed.

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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:

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.

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

(d) Incompetence.

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

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

(g) The failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.

COST RECOVERY

6. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

7. Respondent Tiffany Baer, M.D. is subject to disciplinary action under section 2234 (b) of the Code, in connection with her care of two minor patients, Patients A, and B. The circumstances are as follows:

Patient A[1]

8. On or about March 29, 2018, eleven-year-old Patient A was presented to Respondent for her first, and only, visit. The purpose of the visit was to obtain a vaccine exemption. Respondent was not Patient A's regular doctor. A history was obtained and a brief physical exam

[1] The patients herein are identified by letters to protect their privacy.

(absent vital signs) was taken. The history revealed that Patient A was adopted at three days of age and little was known about her biological parents, other than their race, and that the biological mother suffered from mental illness and used drugs. There is a note that at the time of the assessment that Patient A was vaccinated as follows: 6/06, 8/06, 10/06: polio, DTaP, HBV, PCV; 1/07: influenza; 4/07: MMR, VZV, HAV, influenza; 10/07: HIV, PCV; and 11/07: HAV, influenza. The intake form notes that Patient A's adoptive father is a chiropractor who had treated many children who became autistic as a reaction to vaccines. There are notes. from Patient A's parent that she had fever and screaming after receiving vaccines and that she was diagnosed with long periods of whooping cough, although the age that she had whooping cough (pertussis) was not noted. Respondent's assessment for this initial visit included cold hands and feet and menstrual cramping. The recommended plan outlined by Respondent was for homeopathic remedies for detox and lab testing for NTs (saliva testing).

9. On May 24, 2018, Respondent had a phone consultation with Patient A. Respondent documented that Patient A "qualifies for ME (medical exemption) based on history, family history and genetics."

10. Included in the patient chart are records that were completed by Patient A's parents including a "Vaccine reaction history" which lists many disorders (all unrelated to vaccination) including Autism, ADHD, visual disturbances, anxiety, meningitis, seizures, celiac, Kawasaki disease, bursitis, and lupus. The chart contains a "Parents' Special Acknowledgment about Medical Exemptions," signed by both parents, allowing Patient A to attend school without vaccinations. A genetic mutation analysis is in the chart, as well as the medical office's explanation of gene mutation analysis.

11. Respondent issued Patient A a temporary medical exemption dated March 29, 2018, exempting her from all vaccines for four months, through July 29, 2018, pending her genetic analysis.

12. Respondent issued Patient A a permanent medical exemption dated May 24, 2018, exempting the patient from all vaccines due to history of genetic defects, asthma, skin disorders, developmental delay, and vaccine reactions. A family history of asthma, neuropsychiatric

disorders, and drug addiction is, also included as part of the rationale for the exemption. Respondent's exemption letter references a publication from 2013 on Vaccine and Autoimmunity.

13. Another copy of the May 24, 2018, exemption form is included in the records. The copy included edits with the following vaccines crossed out of the listed permanent exemptions: DTaP, Meningococcal, and Rotavirus.

Patient B

14. On June 22, 2017, Respondent first saw Patient B, who was at that time three years old. Her patient intake form for the visit was completed on April 17, 2017. It stated that the patient had a family history of multiple conditions and stated that the family was interested in "Seeing if we qualify medically for a medical exemption." The intake also stated that Patient B had phobias to loud noises and a history of eczema. A history was taken. It documented that Patient B received her first set of vaccinations at age two months, for DTaP, HBV, Hib, PCV, Rotavirus, and Polio. The parents reported that after vaccination, Patient B had "vomiting, diarrhea and excessive sleep." Thereafter, the patient had an emergency room visit and was prescribed cephalexin. After Patient B's four-month vaccines, she became limp and had a fever that reached 105 degrees. Patient B was again prescribed cephalexin. The family stopped vaccinating Patient B at the age of one year. A limited physical exam was done at the visit. It included the following observation by Respondent, "polite, plays, normal weight." No vital signs were documented, nor was any significant physical exam.

15. Review of Patient B's records from Kaiser Permanente showed that the patient was evaluated in the emergency department for fever. It was found that she had a urinary tract infection. It was treated with cephalexin and her work-up was negative for urinary tract abnormalities, but showed pelviectasis bilaterally, and she was placed on prophylactic antibiotics.

16. A telephone record from January 14, 2014, which was four days following Patient B's four-month vaccinations, noted that the mother called the office due to decreased appetite, spitting up, but no diarrhea. She reported that three days before, Patient B had a fever that

reached 101 degrees. However, there was no current fever. The mother was concerned that the reaction was to the vaccines.

17. On January 30, 2014, Patient B had another emergency department visit. She had a fever that reached 105 degrees. This was 20 days after her four-month vaccines.

18. Respondent wrote a vaccine exemption letter for Patient B, dated September 21, 2017. The letter reports that due to "genetic defect, gastrointestinal disorder, neurologic disorder, skin disorder, and vaccine reactions, [the child] should be exempt from all vaccines." She also noted that Patient B's family has a history of autoimmune disease, neurologic disorders, skin disorders, neuropsychiatric disease, learning disability, autism, speech delay, and vaccine reaction. For these reasons, Respondent permanently exempted Patient B from all vaccines. Respondent cited, "ASIA" (Autoimmune / Inflammatory System Induced by Adjuvants) as the condition medically exempting Patient B from all vaccines. This is not considered an evidence-based condition for vaccine exemption.

19. Patient B's vaccine record shows that she received her two-and four-month vaccines at Kaiser Permanente as follows: DTap-HBV-IPV 11/8/13 and 1/10/14; HiB 11/8/13 and 1/10/14; MMR 9/22/14; PCV 11/8/13 and 1/10/14; Rotavirus 11/8/13 and 1/10/14; and VZ V 9/22/14.

20. Patient B's family completed a timeline that included reactions to vaccines. They attributed symptoms such as constipation, ear pain, and painful urination to the MMR vaccine given in 2014. They noted on the timeline that Patient B has been, "just fine and healthy ever since we decided to discontinue vaccines." The family supplied an extensive family history on the form provided by Respondent. It included such conditions as psoriasis in maternal aunts and uncles, thyroid disease in maternal third cousins, eating disorders, and addictions in multiple second- and third-degree relatives. The family also provided a vaccine reaction history. It included diagnoses such as aggression, depression, autism, seizures, and febrile seizures.

21. Respondent issued Patient B a temporary medical exemption dated June 22, 2017, exempting the patient from all vaccines for four months pending genetic testing. The rationale for vaccine exemption included Patient B's history of genetic defect, gastrointestinal disorder, neurologic disorder, allergies, skin disorders, and vaccine reactions. Also noted was a family

history of vaccine reactions and autoimmune diseases, neurological disorders, allergies, asthma, skin disorders, neuropsychiatric disease, learning disability, and autism. Respondent named "ASIA" (Autoimmune / Inflammatory Syndrome Induced by Adjuvants), as the reason for the exemption.

22. Respondent issued Patient B a permanent medical exemption dated September 21, 2017. It provided a permanent exemption for all vaccines based on Patient B's history of genetic defect, gastrointestinal disorder, neurologic disorder, allergies, skin disorders, and vaccine reactions. Also noted, was a family history of vaccine reactions and autoimmune diseases, neurological disorders, allergies, asthma, skin disorders, neuropsychiatric disease, learning disability, and autism. Respondent named "ASIA" as the reason for the exemption from all vaccines. Genetic testing results were also included in the records.

23. The standard of care requires physicians to provide complete preventive care as well as acute care for their patients. For health care providers, this includes providing appropriate anticipatory guidance and administering childhood vaccinations to prevent vaccine preventable diseases, as well as communicating accurate and evidence-based information regarding the safety of vaccines.

24. Respondent was grossly negligent and departed from the standard of care in that she inappropriately issued a broad exemption from immunization for all vaccines without appropriate indication, or an appropriate medical basis to Patient A.

25. Respondent was grossly negligent and departed from the standard of care in that she inappropriately issued a broad exemption from immunization for all vaccines without appropriate indication, or an appropriate medical basis to Patient B.

SECOND CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

26. Respondent Tiffany Baer, M.D. is subject to disciplinary action under section 2234, subdivision (c) of the Code, in that she was repeatedly negligent in his care and treatment of Patients A, and B. The circumstances are as follows:

27. Paragraphs 8 through 25 are incorporated by reference as though fully set forth.

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 A 67112, issued to Respondent Tiffany Baer, M.D.;

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

3. Ordering Respondent Tiffany Baer, M.D. to pay the Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring; and

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

DATED: JUN 13 2022

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

Complainant

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