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

In the Matter of the Accusation Against:	)	
Michael Perry Bass, M.D.	)	**Case No. 800-2017-032805**
Physician's and Surgeon's Certificate No. C 32503	)	
Respondent	)	

DECISION

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

This Decision shall become effective at 5:00 p.m. on November 8, 2019.

IT IS SO ORDERED November 1, 2019.

MEDICAL BOARD OF CALIFORNIA

Christine Lally
Deputy Director

XAVIER BECERRA
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Attorneys for Complainant

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

In the Matter of the Accusation Against:	Case No. 800-2017-032805
MICHAEL PERRY BASS, M.D. **2933 Betlen Ct** **Rancho Cordova, CA 95670-5302** **Physician's and Surgeon's Certificate No. C 32503** Respondent.	**STIPULATED SURRENDER OF LICENSE AND ORDER**

PARTIES

1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board of California (Board). She brought this action solely in her official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Ryan J. Yates, Deputy Attorney General.

2. Respondent Michael Perry Bass, M.D. (Respondent) is represented in this matter by attorney Robert W. Hodges, from the Law Offices of McNamara, Ney, Beatty, Slattery, Borges & Ambacher, LLP; located at 3480 Buskirk Ave., #250, Pleasant Hill, CA, 94523.

3. On or about July 28, 1970, the Board issued Physician's and Surgeon's Certificate No. C 32503 to Michael Perry Bass, M.D. (Respondent). The Physician's and Surgeon's

Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2017-032805 and will expire on September 30, 2019, unless renewed.

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

JURISDICTION

4. On or about June 7, 2019, Accusation No. 800-2017-032805 has not yet been filed before the Board, but will be filed concurrently with this document. Respondent elected to surrender his Physician's and Surgeon's Certificate No. C 32503. A copy of Accusation No. 800-2017-032805 is attached as Exhibit 1 and incorporated by reference as if fully set forth herein.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 800-2017-032805. Respondent also has carefully read, and fully understands the effects of this Stipulated Surrender of License and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in Accusation No. 800-2017-032805; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded him pursuant to the California Administrative Procedure Act, the California Code of Civil Procedure, and all other applicable laws.

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

CULPABILITY

8. Respondent understands that the charges and allegations in Accusation No. 800-2017-032805, if proven at hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

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9. For the purpose of resolving the Accusation without the expense of uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation and that those charges constitute cause for discipline. Respondent hereby gives up his right to contest that cause for discipline exists based on those charges.

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

CONTINGENCY

11. Pursuant to Business and Professions Code section 2224, subdivision (b), the Executive Director of the Medical Board of California has been delegated the authority to adopt or reject a stipulation for surrender of a Physician's and Surgeon's Certificate.

12. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be null and void and not binding upon the parties unless approved by the Executive Director on behalf of the Medical Board of California. Respondent fully understands and agrees that in deciding whether or not to approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive Director and/or the Medical Board may receive oral and written communications from its staff and/or the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the Executive Director, the Board, any member thereof, and/or any other person from future participation in this or any other matter affecting or involving respondent. In the event that the Executive Director on behalf of the Medical Board does not, in her discretion, approve and adopt this Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party hereto. Respondent further agrees that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason by the Executive Director on behalf of the Board, respondent will assert no claim that the Board, or any member thereof, was prejudiced by

its/his/her review, discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or of any matter or matters related hereto.

13. The Executive Director shall have a reasonable period of time in which to consider and act on this stipulation after receiving it. By signing this stipulation, respondent fully understands and agrees that he may not withdraw his agreement or seek to rescind this stipulation prior to the time the Executive Director considers and acts upon it.

ADDITIONAL PROVISIONS

14. This Stipulated Surrender of License and Disciplinary Order is intended by the parties herein to be an integrated writing representing the complete, final and exclusive embodiment of the agreement of the parties in the above-entitled matter.

15. The parties understand and agree that copies of this Stipulated Surrender of License and Disciplinary Order, including copies of the signatures of the parties, may be used in lieu of original documents and signatures and, further, that such copies and signatures shall have the same force and effect as the originals.

16. In consideration of the foregoing admissions and stipulations, the parties agree that the Executive Director of the Medical Board may, without further notice to or opportunity to be heard by Respondent, issue and enter the following Order on behalf of the Board:

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C 32503, issued to Respondent Michael Perry Bass, M.D., is surrendered and accepted by the Medical Board of California.

1. The surrender of Respondent's Physician's and Surgeon's Certificate No. C 32503 and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Medical Board of California.

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

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

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2017-032805 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Respondent may not petition for reinstatement of a revoked or surrendered license for three (3) years from the effective date of this Decision.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2017-032805 shall be deemed to be true, correct, and admitted by respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Disciplinary Order and have fully discussed it with my attorney, Robert W. Hodges, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. C 32503. I enter into this Stipulated Surrender of License and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 9-30-19 Michael P. Bass M.D.

MICHAEL PERRY BASS, M.D.
Respondent

I have read and fully discussed with Respondent Michael Perry Bass, M.D., the terms and conditions and other matters contained in the above Stipulated Surrender of License. I approve its form and content.

DATED: 10/2/2019

ROBERT W. HODGES
Attorney for Respondent

ENDORSEMENT

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

DATED: 10/3/19

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
STEVEN D. MUNI
Supervising Deputy Attorney General

RYAN J. YATES
Deputy Attorney General
Attorneys for Complainant

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Exhibit 1

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Oct 24 2019
BY D. Richards ANALYST

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

In the Matter of the Accusation Against: **Michael Perry Bass, M.D.** **2933 Betlen Ct** **Rancho Cordova, CA 95670-5302** **Physician's and Surgeon's Certificate No. C 32503,** Respondent.	Case No. 800-2017-032805 **A C C U S A T I O N**

PARTIES

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

2. On or about July 28, 1970, the Medical Board issued Physician's and Surgeon's Certificate Number C 32503 to Michael Perry Bass, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and expired on September 30, 2019.

PRIOR DISCIPLINARY ACTION

3. On October 24, 1992, a Board Decision became effective, which revoked Respondent's medical license for self-prescribing and fraudulent prescribing practices.

On November 5, 1999, a Decision became effective which reinstated Respondent's license and placed him on probation with terms and conditions. On May 6, 2005, Respondent completed probation.

JURISDICTION

4. 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.

5. Section 2227 of the Code states:

> (a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:
>
> (1) Have his or her license revoked upon order of the board.
>
> (2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.
>
> (3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.
>
> (4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.
>
> (5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.
>
> (b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.

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6. 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 which is substantially related to the qualifications, functions, or duties of a physician and surgeon.

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

(g) The practice of medicine from this state into another state or country without meeting the legal requirements of that state or country for the practice of medicine. Section 2314 shall not apply to this subdivision. This subdivision shall become operative upon the implementation of the proposed registration program described in Section 2052.5.

(h) The repeated 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.

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7. Section 822 of the Code states:

> If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:
>
> (a) Revoking the licentiate's certificate or license.
>
> (b) Suspending the licentiate's right to practice.
>
> (c) Placing the licentiate on probation.
>
> (d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.
>
> The licensing section shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated.

CAUSE FOR RESTRICTION AND/OR REVOCATION
(Mental or Physical Illness Affecting Competency to Practice Medicine)

8. Respondent's Physician's and Surgeon's Certificate No. C 32503 is subject to disciplinary action under section 822 of the Code in that his ability to practice medicine safely is impaired because he is mentally or physically ill affecting competency, as more particularly alleged hereinafter.

9. On or about April 28, 2017, Respondent maintained a part-time practice in California, where he worked as the medical director at the Live Well Medical Center, in Rancho Cordova, several times monthly. At or about this time, Respondent was working with the Partnership HealthPlan of California, a non-profit health care organization that contracts with the State of California to administer Medi-Cal benefits through local care providers, such as Respondent's clinic.

10. On or about April 28, 2017, Respondent attended the PACE program, where his competency to practice medicine was evaluated by several medical practitioners.

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11. On May 8, 2017, PACE submitted an assessment report to the Partnership HealthPlan of California Re-credentialing Committee, which found that Respondent did not demonstrate sufficient knowledge as a neurologist, nor as a general practitioner. PACE recommended that Respondent be removed from clinical practice immediately, and that Respondent undergo a comprehensive psychiatric fitness for duty evaluation.

12. On or about February 1, 2019, Respondent participated in a psychiatric examination, conducted by Dr. G. Dr. G. found that Respondent had significant trouble relaying his personal history, including the chronology of his previous problems with the Medical Board and also seemed not to understand the patient safety concerns that his performance on the PACE evaluation suggests. His presentation was suggestive of some underlying processing or memory issues that would have an impact on his ability to practice medicine competently and safely. It is Dr. G's opinion that Respondent is not currently able to practice medicine safely, and therefore would represent a danger to the general public if he was still practicing.

13. On or about May 3, 2019, this matter was referred to Dr. W., a Clinical Neuropsychologist. On or about June 20, 2019, Dr. W. met with Respondent for a neuropsychological evaluation. Dr. W. found that Respondent was suffering from a neurocognitive disorder—age related dementia—and concluded that permitting Respondent to continue to engage in the practice of medicine will endanger the public health, safety, and welfare. In forming his opinion, Dr. W. administered numerous tests. He also took Respondent's relevant history, including but not limited to psychological, social, employment, and family history.

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PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate No. C 32503, issued to Michael Perry Bass, M.D.;

2. Revoking, suspending or denying approval of Michael Perry Bass, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Michael Perry Bass, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: October 24, 2019

KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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