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

In the Matter of the Accusation Against:	)	
Ilona Ann Baran, M.D.	)	**Case No. 800-2018-040008**
Physician's and Surgeon's Certificate No. A45912	)	
Respondent	)	

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 26, 2020.

IT IS SO ORDERED January 27, 2020.

MEDICAL BOARD OF CALIFORNIA

By: Ronald H. Lewis, MD
Ronald H. Lewis, M.D., Chair
Panel A

XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General
DAVID CARR
Deputy Attorney General
State Bar No. 131672
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3380
Facsimile: (415) 703-5480
Attorneys for Complainant

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

In the Matter of the Accusation Against: **ILONA ANN BARAN, M.D.** 876 Indian Avenue Sonoma, CA 95476 Physician's and Surgeon's Certificate No. A 45912 Respondent.	Case No. 800-2018-040008 OAH No. 2019070204 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and the responsibility of the Medical Board of California of the Department of Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will be submitted to the Board for approval and adoption as the final disposition of the Accusation.

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 David Carr, Deputy Attorney General.

2. Respondent Ilona Ann Baran, M.D., is represented in this proceeding by attorney John L. Fleer, whose address is: 273 Orchard Road, Orinda, CA 94563-3531.

3. On or about April 3, 1989, the Board issued Physician's and Surgeon's Certificate No. A45912 to Ilona Ann Baran, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the allegations brought in Accusation No. 800-2018-040008, and will expire on January 31, 2021, unless renewed.

JURISDICTION

Accusation No. 800-2018-040008 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on January 29, 2019. Respondent timely filed her Notice of Defense contesting the Accusation.

4. A copy of Accusation No. 800-2018-040008 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2018-040008. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the 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.

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

CULPABILITY

8. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2018-040008, if proven at a hearing, constitute cause for imposing discipline upon her Physician's and Surgeon's Certificate.

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

10. 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.

RESERVATION

11. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Medical Board of California or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

12. 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 or her counsel. 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, 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.

13. 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.

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

DISCIPLINARY ORDER

Public Reprimand

I. IT IS HEREBY ORDERED that Respondent Ilona Ann Baran, M.D., as holder of Physician's and Surgeon's Certificate No. A45912, shall be and hereby is publicly reprimanded pursuant to Business and Professions Code section 2227. This public reprimand is issued as a result of the following conduct by Respondent as set forth in Accusation No. 800-2018-040008:

> Respondent prescribed the drug Lupron to a patient for uterine bleeding without documentation of a complete clinical work-up of the condition. In a second case, Respondent failed to ensure that a patient utilized the correct, prescribed device and removed the temporary fitting device. Lastly, Respondent intermittently prescribed medication for a family member.

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

A prescribing practices course 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 course would have been approved by the Board or its designee had the course 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 course, or not later than 15 calendar days after the effective date of the Decision, whichever is later.

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

A medical record keeping course 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 course would have been approved by the Board or its designee had the course 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 course, or not later than 15 calendar days after the effective date of the Decision, whichever is later.

IV. 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.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, John L. Fleer. 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: 9/23/19

ILONA ANN BARAN, M.D.
Respondent

///

///

I have read and fully discussed with Respondent Ilona Ann Baran, 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: 9-23-19

JOHN L. FLEER
Attorney for Respondent

ENDORSEMENT

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

DATED: Sept. 24, 2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General

DAVID CARR
Deputy Attorney General
Attorneys for Complainant

SF2018201328

Exhibit A

Accusation No. 800-2018-040008

XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General
DAVID CARR
Deputy Attorney General
State Bar No. 131672
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3380
Facsimile: (415) 703-5480
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Jan 29 2019
BY D. Richards ANALYST

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

In the Matter of the Accusation Against: **ILONA ANN BARAN, M.D.** Kaiser Santa Rosa Medical Center 401 Bicentennial Way Santa Rosa, CA 95403-2192 Physician's and Surgeon's Certificate No. A 45912, Respondent.	Case No. 800-2018-040008 OAH No. **A C C U S A T I O N**

Complainant alleges:

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 April 3, 1989, the Board issued Physician's and Surgeon's Certificate No. A 45912 to Ilona Ann Baran, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full

force and effect at all times relevant to the charges brought herein and will expire on January 31, 2019, unless renewed.

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 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 2001.1 of the Code provides that the Board's highest priority shall be public protection.

///

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."

"...."

7. Section 2004 of the Code states:

"The board shall have the responsibility for the following:

"(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

"(b) The administration and hearing of disciplinary actions.

"(c) Carrying out disciplinary actions appropriate to findings made by a panel or an administrative law judge.

"(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of disciplinary actions.

"(e) Reviewing the quality of medical practice carried out by physician and surgeon certificate holders under the jurisdiction of the board.

"...."

8. Section 2266 of the Code states: "The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct."

9. The incidents alleged herein occurred in California.

FIRST CAUSE FOR DISCIPLINE

(Negligence)

10. Respondent is subject to disciplinary action under section 2234(b) or 2234(c) in that her care of Patient One[1] included a departure from the standard of care constituting gross negligence or, in conjunction with other allegations of negligence herein, repeated negligent acts. The circumstances are as follows:

11. Patient One saw Respondent at on office appointment on March 10, 2017, requesting a change of contraceptive method from the birth control pills she had been taking. After a physical examination, review of Patient One's lab results, and confirmation from Patient One that she had previously used a diaphragm device for birth control, Respondent complied with Patient One's request to be fitted with a diaphragm. Selecting a "fitting diaphragm"—one made from a harder material than the prescribed diaphragm for actual use--from among possible sizes in the office diaphragm fitting kit, Respondent reviewed the proper insertion technique with Patient One and then left the room to allow Patient One to insert the fitting diaphragm. Upon returning to the examination room, Respondent had Patient One stand and walk about; Patient One reported no discomfort. Respondent performed a visual examination of the diaphragm to confirm effective positioning. Respondent then reportedly told Patient One to remove the fitting diaphragm and that Respondent would order a diaphragm kit in that size from the clinic pharmacy which Patient One could pick up. Respondent then again left the room; when she returned Respondent

[1] To preserve patient confidentiality, the subject patients are referred to herein as Patient One, Patient Two, and Patient Three. The patients' full names will be produced to Respondent upon request.

reportedly asked Patient One if she had removed the diaphragm and was told she had done so. Respondent was then summoned to check on a sedated patient; when she returned the patient was gone. Respondent did not see the fitting diaphragm Patient One had used; Respondent stated to Board investigators that the room had been cleaned in the interim and she assumed her nurse had taken the fitting diaphragm away for sterilization.

12. Patient One returned to the clinic five weeks later, on April 18, 2017, complaining of heavy vaginal bleeding and irritation. Upon examination, a diaphragm was found in place; it was removed and given to Patient One. When the patient later examined the device, she read the identification imprinted on the diaphragm, which stated it was a fitting diaphragm. The diaphragm which Respondent had ordered for her was still in its case, unused, in Patient One's home.

13. Respondent is subject to disciplinary action for unprofessional conduct in that her failure to take appropriate measures to ensure that Patient One did not leave the office with the fitting diaphragm still inserted was a departure from the standard of care constituting gross negligence in violation of section 2234(b) or, taken in conjunction with the other allegations herein, constitutes repeated negligent acts in violation of section 2234(c).

SECOND CAUSE FOR DISCIPLINE

(Negligence)

14. Respondent is subject to disciplinary action under section 2234(b) or 2234(c) in that her care of Patient Two included a departure from the standard of care constituting gross negligence or, in conjunction with other allegations of negligence herein, repeated negligent acts. The circumstances are as follows:

15. Patient Two was being followed by one of Respondent's physician colleagues for polycystic ovarian syndrome. Patient Two had been taking oral contraceptives, prescribed to address her continued uterine bleeding. Patient Two was seen by Respondent on February 14, 2017, for a planned endometrial biopsy. Respondent successfully performed the biopsy, which yielded evidence of progesterone effect. Respondent believed Patient Two's bleeding was from anovulation produced as a consequence of her chronic polycystic syndrome.

16. Patient Two continued to experience heavy bleeding, which took Patient Two to the emergency room only days after seeing Respondent. In consultation with Respondent, the emergency room physician recommended tapering the dose of oral contraceptive Patient Two was taking. Respondent also directly contacted Patient Two to inform her of the results of the endometrial biopsy, and to recommend that Patient Two try a non-steroidal anti-inflammatory to reduce her bleeding.

17. Respondent saw Patient Two in the office again on February 21, 2017, for the patient's continued heavy bleeding. After reviewing Patient Two's condition, her stated desire to eventually become pregnant, and the diagnostic and treatment options, Respondent administered an injection of Lupron, a gonadotropin agonist commonly used in women to treat bleeding from uterine fibroids or endometriosis. Prescribing Lupron for bleeding resulting from anovulation in a patient with polycystic ovarian syndrome is an off-label use of that medication.

18. Respondent is subject to disciplinary action for unprofessional conduct in that her prescribing of Lupron at this point in Patient Two's treatment was a departure from the standard of care which, in conjunction with the other allegations herein, constitutes repeated negligent acts in violation of section 2234(c).

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

19. Respondent is subject to disciplinary action under section 2234 in that her care of Patient Three included general unprofessional conduct. The circumstances are as follows:

20. Review of Respondent's prescribing as documented by CURES (Controlled Substance Utilization Review and Evaluation System) data revealed to Board investigators that Respondent wrote eight prescriptions for the drug Xanax[2] to Patient Three in the period from June 2016 to February 2018, and one prescription for hydrocodone[3] in June of 2017. Respondent's

[2] Xanax is a trade name for alprazolam tablets. Xanax is used for the management of anxiety disorders or for the short-term relief of the symptoms of anxiety. It is a dangerous drug as defined in section 4022 and a Schedule IV controlled substance and narcotic as defined by section 11057, subdivision (d) of the Health and Safety Code

[3] Hydrocodone bitartrate is semisynthetic narcotic analgesic, a dangerous drug as defined in section 4022, and a Schedule II controlled substance and narcotic as defined by section 11055, subdivision (b) of the Health and Safety Code.

prescribing to Patient Three was noted by the Board's investigators because Respondent practices exclusively in the specialty of obstetrics/gynecology and Patient Three has a masculine given name. When Board investigators asked Respondent about this patient, Respondent acknowledged that Patient Three is a male member of her immediate family. Respondent stated that she prescribed for Patient Three until he obtained a primary care physician. Respondent also acknowledged to Board investigators that she did not create any medical records of her prescriptions for Patient Three nor document the medical bases for those prescriptions.

21. Respondent is subject to disciplinary action for unprofessional conduct in that affording treatment by prescribing medications to a family member was a departure from the standard of care constituting unprofessional conduct under section 2234.

FOURTH CAUSE FOR DISCIPLINE

(Failure to Maintain Medical Records)

22. The allegations of paragraph 20 above are incorporated herein as if set out in full. Respondent has subjected her license to disciplinary action in that her failure to create and maintain adequate and accurate records pertaining to her prescribing to Patient Three constitutes unprofessional conduct pursuant to section 2266.

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. A 45912, issued to Ilona Ann Baran, M.D.;

2. Revoking, suspending, or denying approval of Ilona Ann Baran, M.D. 's authority to supervise physician assistants and advanced practice nurses;

3. Ordering Ilona Ann Baran, 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: January 29, 2019

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

SF2018201328
Document1462