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

In the Matter of the Accusation Against:	)	
Grant Barrie Neifeld, M.D.	)	**Case No. 800-2017-036185**
Physician's and Surgeon's Certificate No. A 49419	)	
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 27, 2020.

IT IS SO ORDERED January 28, 2020.

MEDICAL BOARD OF CALIFORNIA

By:_____
Kristina D. Lawson, J.D., Chair
Panel B

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General
JASON J. AHN
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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: **GRANT BARRIE NEIFELD, M.D.** **SCPMG Family Medicine Dept** **7060 Clairemont Mesa Blvd** **San Diego, CA 92111** **Physician's and Surgeon's Certificate No. A 49419** Respondent.	Case No. 800-2017-036185 OAH No. 2019070437 **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. Christine J. Lally is the Interim Executive Director of the Medical Board of California (Board). Former Executive Director Kimberly Kirchmeyer brought this action solely in her official capacity as Executive Director of the Board.[1] Christine Lally is represented in this matter

[1] Kimberly Kirchmeyer became Director of the California Department of Consumer Affairs, effective October 28, 2019.

by Xavier Becerra, Attorney General of the State of California, by Jason J. Ahn, Deputy Attorney General.

2. Respondent Grant Barrie Neifeld, M.D. (Respondent) is represented in this proceeding by attorney Paul Spackman, Esq., whose address is: 28441 Highridge Road, Suite 201 Rolling Hills Estates, CA 90274.

3. On or about April 29, 1991, the Board issued Physician's and Surgeon's Certificate No. A 49419 to 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. 800-2017-036185, and will expire on April 30, 2021, unless renewed.

JURISDICTION

4. On June 10, 2019, Accusation No. 800-2017-036185 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 June 10, 2019. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A true and correct copy of Accusation No. 800-2017-036185 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2017-036185. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

CULPABILITY

9. Respondent does not contest that, at an administrative hearing, Complainant could establish a *prima facie* case with respect to the charges and allegations contained in Accusation No. 800-2017-036185, a copy of which is attached hereto as Exhibit A, and that he has thereby subjected his Physician's and Surgeon's Certificate No. A 49419 to disciplinary action.

10. Respondent agrees that if an accusation is ever filed against him before the Medical Board of California, all of the charges and allegations contained in Accusation No. 800-2017-036185 shall be deemed true, correct and fully admitted by Respondent for purposes of that proceeding or any other licensing proceeding involving Respondent in the State of California.

11. Respondent agrees that his Physician's and Surgeon's Certificate No. A 49419 is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

12. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and fully 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 his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated 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 agree that this Stipulated Settlement and Disciplinary Order shall be null and void and not binding upon the parties unless approved and adopted by the Board, except for this paragraph, which shall remain in full force and effect. Respondent fully understands and

agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and Disciplinary Order, the 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 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 Board does not, in its discretion, approve and adopt this Stipulated Settlement 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 Settlement and Disciplinary Order be rejected for any reason by 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 Settlement and Disciplinary Order or of any matter or matters related hereto.

ADDITIONAL PROVISIONS

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

15. The parties agree that copies of this Stipulated Settlement 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 shall have the same force and effect as originals.

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Respondent, Grant Barrie Neifeld, M.D., holder of Physician's and Surgeon's Certificate No. A 49419, shall be and hereby is Publicly Reprimanded pursuant to Business and Professions Code section 2227. This Public Reprimand, which is issued in connection with the allegations as set forth in Accusation No. 800-2017-036185, is as follows:

Between November 2011 through December 2017, Respondent departed from the standard

of care when providing care and treatment to Patient A, as more fully described in Accusation No. 800-2017-036185.

1. EDUCATION COURSE. Within 60 calendar days of the effective date of this Decision, and on an annual basis thereafter, 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 40 hours per year, for each year of probation. 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 65 hours of CME of which 40 hours were in satisfaction of this condition.

2. 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.

3. FAILURE TO COMPLY.

Any failure by Respondent to comply with the terms and conditions of the Disciplinary Order set forth above shall constitute unprofessional conduct and grounds for further disciplinary action.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Paul Spackman, Esq. I fully understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. A 49419. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and fully agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 12/27/2019

GRANT BARRIE NEIFELD, M.D.
Respondent

I have read and fully discussed with Respondent Grant Barrie Neifeld. 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: _____

PAUL SPACKMAN, ESQ.
Attorney for Respondent

15 calendar days after the effective date of the Decision, whichever is later.

3. FAILURE TO COMPLY.

Any failure by Respondent to comply with the terms and conditions of the Disciplinary Order set forth above shall constitute unprofessional conduct and grounds for further disciplinary action.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Paul Spackman, Esq. I fully understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. A 49419. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and fully agree to be bound by the Decision and Order of the Medical Board of California.

DATED: _____

GRANT BARRIE NEIFELD, M.D.
Respondent

I have read and fully discussed with Respondent Grant Barrie Neifeld, 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: 12/27/19

PAUL SPACKMAN, ESQ.
Attorney for Respondent

ENDORSEMENT

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

DATED: 12/30/19

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General

JASON J. AHN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2017-036185

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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO June 10 2019
BY [illegible] ANALYST

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

In the Matter of the Accusation Against:	Case No. 800-2017-036185
Grant Barrie Neifeld, M.D. **SCPMG Family Medicine Dept** **7060 Clairemont Mesa Blvd** **San Diego, CA 92111** **Physician's and Surgeon's Certificate No. A 49419,** Respondent.	**ACCUSATION**

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 April 29, 1991, the Medical Board issued Physician's and Surgeon's Certificate Number A 49419 to Grant Barrie Neifeld, 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 April 30, 2021, unless renewed.

3. 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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4. 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:

"...

"(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.

"..."

5. Unprofessional conduct under Business and Professions Code section 2234 is conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.)

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FIRST CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

6. Respondent has subjected his Physician's and Surgeon's Certificate No. A 49419 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[1], as more particularly alleged herein:

Patient A

7. Patient A is a member of Respondent's family. Between November 2011[2] through December 2017, Respondent prescribed the following controlled substances to Patient A:

Filled	Drug Name	Quantity	Prescriber
11-11-11	Alprazolam[3] 0.25 mg	40	Respondent
1-1-12	Alprazolam 0.25 mg	40	Respondent
2-13-12	Xanax 0.25 mg	30	Respondent
4-20-12	Ambien[4] 5 mg	60	Respondent
6-13-12	Alprazolam 0.25 mg	80	Respondent

[1] References to Patient A are used to protect patient privacy.

[2] Conduct occurring more than seven (7) years from the filing date of this Accusation is for informational purposes only and is not alleged as a basis for disciplinary action.

[3] Xanax® (alprazolam), a benzodiazepine, is a centrally acting hypnotic-sedative that is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to Business and Professions Code section 4022. When properly prescribed and indicated, it is used for the management of anxiety disorders. Concomitant use of Xanax® with opioids "may result in profound sedation, respiratory depression, coma, and death." The Drug Enforcement Administration (DEA) has identified benzodiazepines, such as Xanax®, as a drug of abuse. (Drugs of Abuse, DEA Resource Guide (2011 Edition), at p. 53.)

[4] Zolpidem Tartrate (Ambien®), a centrally acting hypnotic-sedative, is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to Business and Professions Code section 4022. When properly prescribed and indicated, it is used for the short-term treatment of insomnia characterized by difficulties with sleep initiation.

Filled	Drug Name	Quantity	Prescriber
8-31-12	Acetaminophen- Codeine Phosphate[5] 300 mg – 60 mg	40	Respondent
9-6-12	Alprazolam 0.25 mg	80	Respondent
12-21-12	Zolpidem Tartrate 10 mg	40	Respondent
12-21-12	Alprazolam 0.25 mg	80	Respondent
5-8-13	Alprazolam 0.25 mg	80	Respondent
5-8-14	Alprazolam 0.25 mg	30	Respondent
5-8-14	Zolpidem Tartrate 5 mg	20	Respondent
7-18-14	Zolpidem Tartrate 5 mg	20	Respondent
11-13-14	Xanax 0.25 mg	20	Respondent
10-20-16	Zolpidem Tartrate 10 mg	15	Respondent
9-6-17	Alprazolam 0.25 mg	30	Respondent
12-31-17	Alprazolam 0.25 mg	40	Respondent

8. Respondent did not prescribe any of the above controlled substances to Patient A, as a result of a medical emergency.

9. Respondent committed repeated negligent acts in his care and treatment of Patient A, which included, but was not limited to, the following:

(a) Paragraphs 7 through 8, above, are hereby incorporated by reference and realleged as if fully set forth herein;

(b) On or about June 13, 2012, Respondent prescribed Alprazolam to Patient A, in the absence of a medical emergency;

(c) On or about August 31, 2012, Respondent prescribed Acetaminophen-Codeine to Patient A, in the absence of a medical emergency;

(d) On or about September 6, 2012, Respondent prescribed Alprazolam to Patient A, in the absence of a medical emergency;

[5] This combination medication is used to help relieve mild to moderate pain. It contains an opioid, Codeine, and a non-opioid (acetaminophen). Codeine is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(G), and a dangerous drug pursuant to Business and Professions Code section 4022.

(e) On or about December 21, 2012, Respondent prescribed Zolpidem Tartrate to Patient A, in the absence of a medical emergency;

(f) On or about December 21, 2012, Respondent prescribed Alprazolam to Patient A, in the absence of a medical emergency;

(g) On or about May 8, 2013, Respondent prescribed Alprazolam to Patient A, in the absence of a medical emergency;

(h) On or about May 8, 2014, Respondent prescribed Alprazolam to Patient A, in the absence of a medical emergency;

(i) On or about May 8, 2014, Respondent prescribed Zolpidem Tartrate to Patient A, in the absence of a medical emergency;

(j) On or about July 18, 2014, Respondent prescribed Zolpidem Tartrate to Patient A, in the absence of a medical emergency;

(k) On or about November 13, 2014, Respondent prescribed Xanax to Patient A, in the absence of a medical emergency;

(l) On or about October 20, 2016, Respondent prescribed Zolpidem Tartrate to Patient A, in the absence of a medical emergency;

(m) On or about September 6, 2017, Respondent prescribed Alprazolam to Patient A, in the absence of a medical emergency; and

(n) On or about December 31, 2017, Respondent prescribed Alprazolam to Patient A, in the absence of a medical emergency.

SECOND CAUSE FOR DISCIPLINE

(General Unprofessional Conduct)

10. Respondent has further subjected his Physician's and Surgeon's Certificate No. A 49419 to disciplinary action under sections 2227 and 2234 of the Code, in that he has engaged in conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine, as more particularly alleged in paragraphs 7 through 9, above, which are hereby incorporated by reference as if fully set forth herein.

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 49419, issued to Grant Barrie Neifeld, M.D.;

2. Revoking, suspending or denying approval of Grant Barrie Neifeld, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Grant Barrie Neifeld, 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: June 10, 2019

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

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