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

In the Matter of the Accusation Against:	)	
Keith Jamal Robinson	)	**Case No. 800-2017-033667**
Physician's and Surgeon's Certificate No. A 83200	)	
Respondent	)	

DECISION

The attached Stipulated Surrender of License 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 FEB 13 2020.

IT IS SO ORDERED FEB 06 2020.

MEDICAL BOARD OF CALIFORNIA

By: Christine J. Lally
Christine J. Lally
Interim Executive Director

XAVIER BECERRA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
RYAN J. MCEWAN
Deputy Attorney General
State Bar No. 285595
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 210-7548
Facsimile: (916) 327-2247

Attorneys for Complainant

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

In the Matter of the Accusation Against: **KEITH JAMAL ROBINSON, M.D.** **1164 E. Oakland Park Blvd., Suite 1B** **Oakland Park, FL 33334** **Physician's and Surgeon's Certificate No. A 83200** Respondent.	Case No. 800-2017-033667 OAH No. 2019080705 **STIPULATED SURRENDER OF LICENSE 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 (Complainant) is the Interim Executive Director of the Medical Board of California (Board). This action was brought by then-Complainant Kimberly Kirchmeyer, solely in her official capacity. Complainant is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Ryan J. McEwan, Deputy Attorney General.

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2. Keith Jamal Robinson, M.D. (Respondent) is represented in this proceeding by attorney, Michael A. Firestone, J.D., M.B.A., whose address is: 1700 South El Camino Real, Suite 408, San Mateo, CA 94402.

3. On or about May 16, 2003, the Board issued Physician's and Surgeon's Certificate No. A 83200 to Keith Jamal Robinson, 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. 800-2017-033667 and will expire on January 31, 2021, unless renewed.

JURISDICTION

4. Accusation No. 800-2017-033667 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 July 18, 2019. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2017-033667 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2017-033667. Respondent also has carefully read, fully discussed with counsel, and 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 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.

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

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CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 800-2017-033667, agrees that cause exists for discipline and hereby surrenders his Physician's and Surgeon's Certificate No. A 83200 for the Board's formal acceptance.

9. 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.

10. With Respondent's early acknowledgment that cause exists for the Board's action, Complainant finds good cause under Business and Professions Code section 2307, subdivision (b)(1), and thereby agrees that Respondent may file a petition for reinstatement two years after the effective date of the Board's Decision and Order.

CONTINGENCY

11. Pursuant to Business and Professions Code section 2224, subdivision (b), the Executive Director of the Board 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 Board. 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 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 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.

14. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License 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 formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 83200, issued to Respondent Keith Jamal Robinson, M.D., is surrendered and accepted by the Board.

1. The surrender of Respondent's Physician's and Surgeon's Certificate 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 Board.

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 or surrendered license in effect at the time the petition is filed, and all of the charges and allegations

contained in Accusation No. 800-2017-033667 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. 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. 800-2017-033667 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, Michael A. Firestone, J.D., M.B.A. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. 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: 01/22/2020

KEITH JAMAL ROBINSON, M.D.
Respondent

I have read and fully discussed with Respondent Keith Jamal Robinson, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Disciplinary Order. I approve its form and content.

DATED: 1/22/2020

MICHAEL A. FIRESTONE, J.D., M.B.A.
Attorney for Respondent

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ENDORSEMENT

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

DATED: 1/22/2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General

RYAN J. MCEWAN
Deputy Attorney General
Attorneys for Complainant

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XAVIER BECERRA
Attorney General of California
STEVEN D. MUNI
Supervising Deputy Attorney General
MEGAN R. O'CARROLL
Deputy Attorney General
State Bar No. 215479
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 210-7543
Facsimile: (916) 327-2247
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO July 18 2019
BY: Patricia A Angle ANALYST

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

In the Matter of the Accusation Against: **Keith Jamal Robinson, M.D.** **1164 E. Oakland Park Blvd., Suite 1B** **Oakland Park, FL 33334** **Physician's and Surgeon's Certificate** **No. A 83200,** Respondent.	Case No. 800-2017-033667 **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 or about May 16, 2003, the Medical Board issued Physician's and Surgeon's Certificate Number A 83200 to Keith Jamal Robinson, 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, 2021, 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 (Code) unless otherwise indicated.

4. Section 2227 of the Code states, in pertinent part:

"(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

"(1) Have his or her license revoked upon order of the board.

"(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

"(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

"(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

"(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

"..."

5. Section 2234 of the Code states, in pertinent part:

"The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

"..."

6. 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 to 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.)

7. Section 2236 of the Code states:

"(a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

"...

"(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section and Section 2236.1. The record of conviction shall be conclusive evidence of the fact that the conviction occurred."

8. Section 2239 of the Code states:

"(a) The use or prescribing for or administering to himself or herself, of any controlled substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely or more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section, or any combination thereof, constitutes unprofessional conduct. The record of the conviction is conclusive evidence of such unprofessional conduct.

"(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The Medical Board may order discipline of the licensee in accordance with Section 2227 or the Medical Board may order the denial of the license when the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or indictment."

9. California Code of Regulations, title 16, section 1360, states:

"For the purposes of denial, suspension or revocation of a license, certificate or permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license, certificate or permit under the Medical Practice Act if to a substantial degree it evidences present or potential unfitness of a person holding a license, certificate or permit to perform the functions authorized by the license, certificate or permit in a manner consistent with public health, safety, or welfare. Such crimes or acts shall include but not be limited to the following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision of the Medical Practice Act."

10. Section 802.1 of the Code states:

"(a)(1) A physician and surgeon, osteopathic physician and surgeon, a doctor of podiatric medicine, and a physician assistant shall report either of the following to the entity that issued his or her license:

(A) The bringing of an indictment or information charging a felony against the licensee.

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(B) The conviction of the licensee, including any verdict of guilty, or plea of guilty or no contest, of any felony or misdemeanor.

(2) The report required by this subdivision shall be made in writing within 30 days of the date of the bringing of the indictment or information or of the conviction.

(b) Failure to make a report required by this section shall be a public offense punishable by a fine not to exceed five thousand dollars ($5,000)."

FIRST CAUSE FOR DISCIPLINE
(Conviction of a Crime Substantially Related to the Qualifications, Functions, or Duties of a Physician and Surgeon)

11. Respondent has subjected his Physician's and Surgeon's Certificate No. A 83200 to disciplinary action under sections 2227 and 2234, as defined by section 2236, of the Code in that he has been convicted of a crime substantially related to the qualifications, functions, or duties of a physician and surgeon, as more particularly alleged hereinafter:

12. On or about May 27, 2017, at approximately 3:35 a.m., California Highway Patrol (CHP) Officer S.V. was dispatched to a solo vehicle collision in an unincorporated area just outside Chico, California in Butte County California. Officer S.V. arrived to the scene at approximately 3:45 a.m., and observed Respondent's while Chevrolet Malibu, with its airbags deployed and damage to the front of the car, blocking a lane of traffic. Respondent was standing next to the Chevrolet. Officer S.V. spoke to Respondent, who admitted driving the car, which he had rented. Respondent was disoriented, and could not provide any information about how it happened. As he spoke with Respondent, Officer S.V. could smell alcohol on his breath.

13. Respondent explained that he was driving back to his hotel after having had dinner and two beers at his friend's house in Chico. Respondent had the keys to the Chevrolet in his pocket. Officer S.V. observed that Respondent's speech was labored and his eyes were bloodshot. Respondent was not able to successfully perform a series of field sobriety tests. At approximately 4:15 a.m., Officer S.V. placed Respondent under arrest for driving under the influence of alcohol.

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14. Respondent was transferred to the Chico CHP Office where he provided two breath samples. Respondent's blood alcohol concentration was determined to be 0.20% at 5:27 a.m., and .20% at 5:28 a.m. Respondent then requested a blood test as well. He was transferred to the Enloe Medical Center, where a sample of his blood was obtained from his left arm at 6:10 a.m. The blood sample measured 0.22%. Following this test, Respondent was medically cleared and booked into the Butte County Jail.

15. On or about July 3, 2017, in *The People of the State of California v. Keith Jamal Robinson*, Butte County Superior Court Case No. 17CM03229, Respondent was charged with the following: (1) driving under the influence of an alcoholic beverage, a violation of Vehicle Code section 23152, subdivision (a); and (2) driving while having 0.08 percent and more, by weight, of alcohol in his blood, a violation of Vehicle Code section 23152, subdivision (b). It was further alleged that Respondent had a blood alcohol concentration that was 0.15 % or more, by weight, thus subjecting him to additional punishment provided for in Vehicle Code section 23578.

16. On or about September 12, 2017, Respondent pleaded guilty to one count of a violation of Vehicle Code section 23152, subdivision (b), and was sentenced to three (3) years' summary probation, on the condition that he pay fines and fees in the amount of $2,015.00, perform 96 hours of house arrest, refrain from the use of alcohol, complete a DUI school, submit to alcohol testing, and obey all laws.

17. In an interview with Board investigators on or about February 14, 2019, Respondent recounted his statement of the events of May 27, 2017. He stated that he had consumed approximately four-and-a-half beers before he began driving back to his hotel at approximately 11:00 p.m. He further stated that the beer was home-brewed, and each consisted of 16 ounces of 16% alcohol by volume. He denied that he consumed any alcohol after leaving the house at 11:00 p.m. that evening. He reported that he did not feel impaired or believe that he was over the legal limit. He reported that he resumed drinking alcohol after six months of probation. He acknowledged that he had not notified the Board of his conviction.

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SECOND CAUSE FOR DISCIPLINE
(Use of Alcoholic Beverages to the Extent, or in a Manner, as to be Dangerous to Respondent, Another Person, or the Public)

18. Respondent has further subjected his Physician's and Surgeon's Certificate No. A 83200 to disciplinary action under sections 2227 and 2234, as defined by section 2239, subdivision (a), of the Code, in that he has used, or administered to himself, alcoholic beverages to the extent, or in such a manner, as to be dangerous or injurious to himself, another person, or the public, as more particularly alleged in paragraphs 12 through 17, above, which are hereby incorporated by reference and re-alleged as if fully set forth herein.

THIRD CAUSE FOR DISCIPLINE
(Failure to Report Conviction to the Board)

19. Respondent is subject to disciplinary action under sections 2227, 2234 as defined by section 802.1 of the Code in that he failed to disclose his conviction to the Board: Paragraphs 12 through 17 above, are hereby incorporated by reference and realleged as if fully set forth herein.

FOURTH CAUSE FOR DISCIPLINE
(General Unprofessional Conduct)

20. Respondent has further subjected his Physician's and Surgeon's Certificate No. A 83200 to disciplinary action under sections 2227 and 2234, of the Code, in that he committed general unprofessional conduct, as more particularly alleged in paragraphs 12 through 19 above, which are hereby incorporated by reference and re-alleged 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 83200, issued to Keith Jamal Robinson, M.D.;

2. Revoking, suspending or denying approval of Keith Jamal Robinson, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Keith Jamal Robinson, 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: July 18, 2019

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

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