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

In the Matter of the First Amended Accusation and Petition to Revoke Probation Against, **JENNIFER LOUISE HOPPER, M.D.** **8191 Timberlake Way, Suite 200** **Sacramento, CA 95823** **Physician's and Surgeon's Certificate No. A 72295** Respondent.	Case No. 800-2019-059104 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about December 3, 2019, Complainant Christine J. Lally, in her official capacity as the Interim Executive Director of the Medical Board of California, Department of Consumer Affairs, filed the First Amended Accusation and Petition to Revoke Probation No. 800-2019-059104 against Jennifer Louise Hopper, M.D. (Respondent) before the Medical Board of California.

2. On or about June 29, 2000, the Medical Board of California (Board) issued Physician's and Surgeon's Certificate No. A 72295 to 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, 2020, unless renewed. A true and correct copy of Respondent's certified license history is attached as Exhibit 1 to the accompanying Default Decision Evidence Packet.[1]

3. On or about December 12, 2019, Christopher King, an employee of the Complainant Agency, served by Personal Service a copy of the First Amended Accusation and Petition to Revoke Probation No. 800-2019-059104, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to the Respondent at 681 Freeman Lane, Grass Valley, California 95949. A copy of the First Amended Accusation and Petition to Revoke Probation, the related documents, and Declaration of Service are attached as Exhibit 2, and are incorporated herein by reference.

4. Service of the First Amended Accusation and Petition to Revoke Probation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c). On or about December 12, 2019, Inspector Christopher King (C.K.), at the location of 681 Freeman Lane, Grass Valley, California 95949, personally served the aforementioned documents via hand delivery to the Respondent. A copy of the proof of service is attached within Exhibit 2, and is incorporated herein by reference.

5. On or about December 27, 2019, the Attorney General's Office sent a Courtesy Notice of Default to Respondent's last known address of record in addition to the location where Respondent was personally served on December 12, 2019. A copy of the Courtesy Notice of Default packet is attached as Exhibit 3, and is incorporated herein by reference.

6. On or about January 7, 2020, the U.S. Postal Service returned the aforementioned documents marked as "Unclaimed" from Respondent's last known address of record. A copy of the returned envelope by the U.S. Post Office is attached as Exhibit 4, and is incorporated herein by reference.

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[1] All exhibits are true and correct copies of the originals, and are attached to the accompanying Default Decision Evidence Packet. The Default Decision Evidence Packet is hereby incorporated by reference, in its entirety, as if fully set forth herein.

7. Government Code section 11506 states, in pertinent part:

> (c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

8. Respondent failed to file a Notice of Defense within 15 days after service upon her of the First Amended Accusation and Petition to Revoke Probation, and therefore waived her right to a hearing on the merits of First Amended Accusation and Petition to Revoke Probation No. 800-2019-059104.

9. California Government Code section 11520 states, in pertinent part:

> (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

10. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it as contained in the separate accompanying "Default Decision Evidence Packet," finds that the allegations in First Amended Accusation and Petition to Revoke Probation No. 800-2019-059104 are true.

JURISDICTION

11. California Business and Professions Code section 118 of the Code states, in pertinent part:

> "...
>
> "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or

otherwise taking disciplinary action against the licensee on any such ground."

"..."

12. California Business and Professions Code section 2220 provides, in pertinent part, that the Board may take action against all persons guilty of violating the provisions of Chapter 5 of Division 2 of that Code.

13. California Business and Professions section 2227 provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, be publicly reprimanded, or such other action taken in relation to discipline as the Medical Board deems proper.

14. California Business and Professions section 2234 provides:

"The Division of Medical Quality[2] 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 [Chapter 5, the Medical Practice Act].

"...

"(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.

"..."

[2] California Business and Professions Code section 2002, as amended and effective January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in the State Medical Practice Act (Cal. Bus. & Prof. Code, §§2000, et. seq.) means the "Medical Board of California," and references to the "Division of Medical Quality" and "Division of Licensing" in the Act or any other provision of law shall be deemed to refer to the Board.

15. Unprofessional conduct under California 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.[3]

BUSINESS AND PROFESSIONS CODE VIOLATIONS

Dishonest and/or Corrupt Acts

16. Respondent has subjected her Physician's and Surgeon's Certificate No. A 72295 to disciplinary action under section 2227 and 2234, as defined by section 2234, subdivision (e), of the Code, in that she has committed acts of dishonesty and/or corruption, as more particularly alleged hereinafter:

A. On or about April 11, 2019, Respondent submitted a 2019 First Quarterly Declaration signed under penalty of perjury under the laws of the State of California that listed her primary place of practice as Apollo Physicians, 576 N. Sunrise Ave., #220, Roseville, California 95678. (Exhibit 6).

B. On or about June 13, 2019, Respondent stated in an email communication to Enforcement Program Manager P.R. that her office location was "576 North Sunrise Avenue #230A Roseville." (Exhibit 6).

C. On or about July 11, 2019, Respondent submitted a 2019 Second Quarterly Declaration signed under penalty of perjury under the laws of the State of California that listed her primary place of practice as Apollo Physicians, 576 N. Sunrise Ave., Roseville, California 94661. (Exhibit 6).

D. On or about August 28, 2019, Inspector C.K. from the Medical Board's Probation Unit visited Apollo Physicians, 576 N. Sunrise Ave., #230A, Roseville, California 95661 to speak with the Respondent. Inspector C.K. was advised by the receptionist at Apollo Physicians that Respondent was no longer employed and had not worked there since February 2019. Inspector C.K. also spoke with R.D., M.D., by telephone who identified

[3] *Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.

himself as the business owner of Apollo Physicians and confirmed Respondent had not worked there since February 2019. (Exhibit 6).

E. On or about August 30, 2019, Inspector C.K. from the Medical Board's Probation Unit, Probation Analyst E.C., and Enforcement Program Manager P.R. spoke with Respondent via a telephone call at which time Probation Analyst E.C. asked Respondent to confirm her place of practice. Respondent stated her place of practice was Apollo Physicans, 576 N. Sunrise Ave., #210, Roseville, California. Respondent was advised that Inspector C.K. visited that location on or about August 28, 2019, and was told Respondent had not worked there since approximately February 2019. Respondent retorted that she was uncertain as to why staff at Apollo Physicians would say that.

F. On or about September 4, 2019, Inspector C.K. from the Medical Board's Probation Unit visited Apollo Physicians, 576 N. Sunrise Ave. in Roseville, California to speak with the Respondent and confirm whether she was practicing in the suites listed on her Quarterly Declarations. Suite number 210 was inaccessible and upon contact with staff in suite number 220, Inspector C.K. was told Respondent did not work there and had been terminated. Inspector C.K. also visited suite number 230A at the same address. Upon speaking with staff in suite number 230A, Inspector C.K. was told Respondent no longer worked there and was terminated in approximately February 2019. (Exhibit 6).

Unprofessional Conduct

17. Respondent has further subjected her Physician's and Surgeon's Certificate No. A 72295 to disciplinary action under section 2227 and 2234, as defined by section 2234, of the Code, in that she 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 paragraph 16, above, which is hereby incorporated by reference as if fully set forth herein, as set forth in Exhibit 6.

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PROBATION VIOLATIONS

Failure to Pay Probation Monitoring and Evaluation Costs

18. At all times after the effective date of the Medical Board's Decision in Case No. D1-2007-186835, Condition No. 24 stated:

"Probation Monitoring Costs. Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year."

19. Respondent's probation is subject to revocation because she failed to comply with Probation Condition No. 24, referenced above. The facts and circumstances regarding this violation are as follows:

A. On or about April 16, 2019, a letter was sent to the Respondent from the Medical Board of California Probation Unit advising her of the total outstanding balance of $23,732.04 for probation monitoring costs in Case No. D1-2007-186835, and giving her a due date of June 30, 2019, to submit a final payment. The letter was accompanied with a billing statement detailing the following balances each year Respondent was on probation: balance owed for 2014 was $2,167.04, balance owed for 2015 was $3,141.00, balance owed for 2016 was $3,647.00, balance owed for 2017 was $4,537.00, balance owed for 2018 was $4,749.00, balance owed for 2019 was $4,261.00, and total psychiatric evaluation costs owed was $1,230.00.

B. On or about June 18, 2019, an interview was conducted at Respondent's place of practice with the Board's Probation Monitor at which time the terms and conditions of her probation in Case No. D1-2007-186835 were discussed, including the outstanding balance for her probation monitoring costs, which were due by June 30, 2019. Subsequent to this interview, a letter dated June 18, 2019 was emailed and mailed to the Respondent, which specified the outstanding balance for Respondent's probation monitoring costs of

$23,732.04 that was due no later than June 30, 2019, and that failure to pay this amount would constitute a violation of probation.

C. On or about August 13, 2019, an email was sent to the Respondent by Inspector C.K. from the Medical Board's Probation Unit, stating that the balance owed for Respondent's probation monitoring costs was $23,732.04 which was due and that failure to pay would result in further disciplinary action.

Failure to Comply with General Probation Requirements

20. At all times after the effective date of the Medical Board's Decision in Case No. D1-2007-186835, Condition No. 18 stated:

"General Probation Requirements.

Compliance with Probation Unit. Respondent shall comply with the Board's probation unit and all terms and conditions of this Decision.

Address Changes. Respondent shall, at all times, keep the Board informed of Respondent's business and residence addresses, email address (if available), and telephone number. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021(b).

Place of Practice. Respondent shall not engage in the practice of medicine in Respondent's or patient's place of residence, unless the patient resides in a skilled nursing facility or other similar licensed facility.

License Renewal. Respondent shall maintain a current and renewed California physician's and surgeon's license.

Travel or Resident Outside California. Respondent shall immediately inform the Board or its designee, in writing, of travel to any area outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) calendar days. In the event Respondent should leave the State of California to reside or to practice Respondent shall

notify the Board or its designee in writing 30 calendar days prior to the dates of departure and return."

21. Respondent's probation is subject to revocation because she failed to comply with Probation Condition No. 18, referenced above. The facts and circumstances regarding this violation are as follows:

A. On or about April 11, 2019, Respondent submitted a 2019 First Quarterly Declaration signed under penalty of perjury under the laws of the State of California that listed her primary place of practice as Apollo Physicians, 576 N. Sunrise Ave., #220, Roseville, California 95678.

B. On or about June 13, 2019, Respondent stated in an email communication to Enforcement Program Manager P.R. that her office location was "576 North Sunrise Avenue #230A Roseville."

C. On or about July 11, 2019, Respondent submitted a 2019 Second Quarterly Declaration signed under penalty of perjury under the laws of the State of California that listed her primary place of practice as Apollo Physicians, 576 N. Sunrise Ave., Roseville, California 94661.

D. On or about August 28, 2019, Inspector C.K. from the Medical Board's Probation Unit visited Apollo Physicians, 576 N. Sunrise Ave., #230A, Roseville, California 95661 to speak with the Respondent. Inspector C.K. was advised by the receptionist at Apollo Physicians that Respondent was no longer employed and had not worked there since February 2019. Inspector C.K. also spoke with R.D., M.D., by telephone who identified himself as the business owner of Apollo Physicians and confirmed Respondent had not worked there since February 2019.

E. On or about August 30, 2019, Inspector C.K. from the Medical Board's Probation Unit, Probation Analyst E.C., and Enforcement Program Manager Paulette Romero spoke with Respondent via a telephone call at which time Probation Analyst E.C. asked Respondent to confirm her place of practice. Respondent stated her place of practice was Apollo Physicians, 576 N. Sunrise Ave., #210, Roseville, California. Respondent was

advised Inspector C.K. visited that location on or about August 28, 2019, and was told Respondent had not worked there since approximately February 2019. Respondent retorted that she was uncertain as to why staff at Apollo Physicians would say that.

F. On or about September 4, 2019, Inspector C.K. from the Medical Board's Probation Unit visited Apollo Physicians, 576 N. Sunrise Ave. in Roseville, California to speak with the Respondent and confirm whether she was practicing in the suites listed on her Quarterly Declarations. Suite number 210 was inaccessible and upon contact with staff in suite number 220, Inspector C.K. was told Respondent did not work there and had been terminated. Inspector C.K. also visited suite number 230A at the same address. Upon speaking with staff in suite number 230A, Inspector C.K. was told Respondent no longer worked there and was terminated in approximately February 2019.

Failure to Properly Submit Quarterly Declarations

22. At all times after the effective date of the Medical Board's Decision in Case No. D1-2007-186835, Condition No. 17 stated:

"Quarterly Declarations. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation. Respondent shall submit quarterly declaration not later than 10 calendar days after the end of the preceding quarter."

23. Respondent's probation is subject to revocation because she failed to comply with Probation Condition No. 17, referenced above, in that she failed to properly submit quarterly declarations, as more particularly alleged in paragraph 21, which is hereby incorporated by reference and realleged as if fully set forth therein.

Failure to Obey All Laws

24. At all times after the effective date of the Medical Board's Decision in Case No. D1-2007-186835, Condition No. 16 stated:

"Obey All Laws. Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California and remain in full compliance with any court ordered criminal probation, payments, and other orders."

25. Respondent's probation is subject to revocation because she failed to comply with Probation Condition No. 16, referenced above, in that she failed to obey all laws, as more particularly alleged in paragraph 21, which is hereby incorporated by reference as if fully set forth therein.

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Violation of Probation

26. At all times after the effective date of the Medical Board's Decision in Case No. D1-2007-186835, Condition No. 22 stated:

"Violation of Probation. Failure to fully comply with any term or condition of probation is a violation of probation. If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final."

27. Respondent's probation is subject to revocation because she failed to comply with Probation Condition No. 22, referenced above, in that she violated her probation terms and conditions, as more particularly alleged in paragraphs 18 through 26, which are hereby incorporated by reference as if fully set forth therein.

Failure to Comply with Biological Fluid Testing

28. At all times after the effective date of the Medical Board's Decision in Case No. D1-2007-186835, Condition No. 5 stated:

"Biological Fluid Testing. Respondent shall immediately submit to biological fluid testing, at Respondent's expense, upon request of the Board or its designee. "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair follicle testing, or similar drug screening approved by the Board or its designee. Prior to practicing medicine, Respondent shall

contract with a laboratory or service approved in advance by the Board or its designee that will conduct random, unannounced, observed, biological fluid testing. The contract shall require results of the tests to be transmitted by the laboratory or service directly to the Board or its designee within four hours of the results becoming available. Respondent shall maintain this laboratory or service contract during the period of probation. A certified copy of any laboratory test result may be received in evidence in any proceedings between the Board and Respondent. If Respondent fails to cooperate in a random biological fluid testing program within the specified time frame, Respondent shall receive a notification from the Board or its designee to immediately cease the practice of medicine. The Respondent shall not resume the practice of medicine until final decision on an accusation and/or a petition to revoke probation. An accusation and/or petition to revoke probation shall be filed by the Board within 15 days of the notification to cease practice. If the Respondent requests a hearing on the accusation and/or petition to revoke probation, the Board shall provide the Respondent with a hearing within 30 days of the request, unless the Respondent stipulates to a later hearing. A decision shall be received from the Administrative Law Judge or the Board within 15 days unless good cause can be shown for the delay. The cessation of practice shall not apply to the reduction of the probationary time period. If the Board does not file an accusation or petition to revoke probation within 15 days of the issuance of the notification to cease practice or does not provide Respondent with a hearing within 30 days of a such a request, the notification of cease practice shall be dissolved."

29. Respondent's probation is subject to revocation because she failed to comply with Probation Condition No. 5, referenced above. The facts and circumstances regarding this violation are as follows:

A. On or about October 24, 2019, Respondent was selected to provide a biological fluid sample and failed to do so.

B. On or about October 31, 2019, Probation Analyst E.C. mailed a letter to the Respondent requesting an explanation for the missed biological fluid test on or about October 24, 2019.

C. On or about November 5, 2019, Respondent sent an email to Probation Analyst E.C. stating her First Source account was suspended for non-payment and she was unable to check in to receive her biological fluid testing notification.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Jennifer Louise Hopper, M.D. has subjected her Physician's and Surgeon's Certificate No. A 72295 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. Pursuant to its authority under California Government Code section 11520, and on the evidence before it, the Medical Board of California hereby finds that the charges and allegations contained in the First Amended Accusation and Petition to Revoke Probation Case No. 800-2019-059104, and the Findings of Fact contained in paragraphs 1 through 29, above, are true and correct.

4. Pursuant to its authority under California Government Code section 11520, and on by reason of the Findings of Fact contained in paragraphs 1 through 29, above, and the Determination of Issues 1, 2, and 3 above, the Medical Board of California hereby finds that Respondent Jennifer Louise Hopper, M.D., has subjected her Physician's and Surgeon's Certificate to discipline under section 2234, subdivision (e), of the Code and probation to revocation in that she has:

(a) Committed acts of dishonesty and/or corruption; and

(b) Committed unprofessional conduct.

5. Pursuant to its authority under California Government Code section 11520, and on by reason of the Findings of Fact contained in paragraphs 1 through 29, above, and the Determination of Issues 1, 2, 3 and 4 above, the Medical Board of California hereby finds that

Respondent Jennifer Louise Hopper, M.D., has subjected her probation in Case No. D1-2007-186835 to revocation in that she has:

(a) Failed to comply with Probation Term and Condition No. 24 of the Decision and Order in Case No. D1-2007-186835 in that she failed to pay probation monitoring and evaluation costs;

(b) Failed to comply with Probation Term and Condition No. 18 of the Decision and Order in Case No. D1-2007-186835 in that she failed to comply with general probation requirements;

(c) Failed to comply with Probation Term and Condition No. 17 of the Decision and Order in Case No. D1-2007-186835 in that she failed to properly submit quarterly declarations;

(d) Failed to comply with Probation Term and Condition No. 16 of the Decision and Order in Case No. D1-2007-186835, referenced above, in that she failed to obey all laws;

(e) Failed to comply with Probation Term and Condition No. 22 of the Decision and Order in Case No. D1-2007-186835 in that she violated terms and conditions of probation; and

(f) Failed to comply with Probation Term and Condition No. 5 of the Decision and Order in Case No. D1-2007-186835 in that she failed to comply with biological fluid testing.

6. The Board is authorized to Revoke Respondent's Physician's and Surgeon's Certificate No. A 72295 based upon Findings of Fact 1 through 29 and Determination of Issues 1 through 7.

7. Revocation is the appropriate discipline based on Determination of Issues 1 through 6.

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ORDER

IT IS SO ORDERED that Physician's and Surgeon's Certificate No. A 72295, heretofore issued by the Board to Respondent Jennifer Louise Hopper, M.D., is hereby revoked. For each of the violations, separately and severally, of the California Business and Professions Code found in the Determination of Issues, above.

If Respondent ever files an application for relicensure or reinstatement in the State of California, the Board shall treat it as a petition for reinstatement of a revoked license. Respondent must comply with all laws, regulations, and procedures for reinstatement of a revoked license in effect at the time the petition for reinstatement is filed.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on March 13, 2020 at 5:00 pm.

It is so ORDERED February 13, 2020

CHRISTINE J. LALLY
INTERIM EXECUTIVE DIRECTOR
FOR THE MEDICAL BOARD OF
CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

Attachment: Default Decision Evidence Packet

SA2019104772
33930081.docx

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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Dec. 3 20 19
BY _____ ANALYST

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

In the Matter of the First Amended Accusation and Petition to Revoke Probation Against: **JENNIFER LOUISE HOPPER, M.D.** **8191 Timberlake Way, Suite 200** **Sacramento, CA 95823** **Physician's and Surgeon's Certificate No. A 72295** Respondent.	Case No. 800-2019-059104 FIRST AMENDED ACCUSATION AND PETITION TO REVOKE PROBATION

Complainant alleges:

PARTIES

1. Christine J. Lally (Complainant) brings this First Amended Accusation and Petition to Revoke Probation solely in her official capacity as the Interim Executive Director of the Medical Board of California, Department of Consumer Affairs.

2. On or about June 29, 2000, the Medical Board of California issued Physician's and Surgeon's Certificate No. A 72295 to Jennifer Louise Hopper, M.D. (Respondent). The Physician's and Surgeon's Certificate was in effect at all times relevant to the charges brought herein and will expire on April 30, 2020, unless renewed.

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3. In a disciplinary action entitled *In the Matter of Accusation and Petition to Revoke Probation Against Jennifer Louise Hopper, M.D.*, Case No. D1-2007-186835, the Medical Board of California, issued a Decision, effective July 3, 2014, in which Respondent's Physician's and Surgeon's Certificate was revoked. However, the revocation was stayed and Respondent's Physician's and Surgeon's Certificate was placed on probation for a period of five (5) years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

JURISDICTION

4. This First Amended Accusation and Petition to Revoke Probation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws and the Medical Board's Decision in the case entitled, *In the Matter of Accusation and Petition to Revoke Probation Against Jennifer Louise Hopper, M.D.*, Case No. D1-2007-186835. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

5. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, be publicly reprimanded, or have such other action taken in relation to discipline as the Division deems proper.

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

"The board shall take action against any licensee who is charged with unprofessional conduct.[1] 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.

[1] Unprofessional conduct under California and Business Code section 2234 is conduct which breaches the rules of the 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.)

"...

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

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

"..."

FIRST CAUSE FOR DISCIPLINE

(Dishonest and/or Corrupt Acts)

7. Respondent has subjected her Physician's and Surgeon's Certificate No. A 72295 to disciplinary action under section 2227 and 2234, as defined by section 2234, subdivision (e), of the Code, in that she has committed acts of dishonesty and/or corruption, as more particularly alleged hereinafter:

A. On or about April 11, 2019, Respondent submitted a 2019 First Quarterly Declaration signed under penalty of perjury under the laws of the State of California that listed her primary place of practice as Apollo Physicians, 576 N. Sunrise Ave., #220, Roseville, California 95678.

B. On or about June 13, 2019, Respondent stated in an email communication to Enforcement Program Manager P.R. that her office location was "576 North Sunrise Avenue #230A Roseville."

C. On or about July 11, 2019, Respondent submitted a 2019 Second Quarterly Declaration signed under penalty of perjury under the laws of the State of California that listed her primary place of practice as Apollo Physicians, 576 N. Sunrise Ave., Roseville, California 94661.

D. On or about August 28, 2019, Inspector C.K. from the Medical Board's Probation Unit visited Apollo Physicians, 576 N. Sunrise Ave., #230A, Roseville, California 95661 to speak with the Respondent. Inspector C.K. was advised by the receptionist at Apollo Physicians that Respondent was no longer employed and had not worked there since February 2019. Inspector C.K. also spoke with R.D., M.D., by telephone who identified

himself as the business owner of Apollo Physicians and confirmed Respondent had not worked there since February 2019.

E. On or about August 30, 2019, Inspector C.K. from the Medical Board's Probation Unit, Probation Analyst E.C., and Enforcement Program Manager P.R. spoke with Respondent via a telephone call at which time Probation Analyst E.C. asked Respondent to confirm her place of practice. Respondent stated her place of practice was Apollo Physicans, 576 N. Sunrise Ave., #210, Roseville, California. Respondent was advised that Inspector C.K. visited that location on or about August 28, 2019, and was told Respondent had not worked there since approximately February 2019. Respondent retorted that she was uncertain as to why staff at Apollo Physicians would say that.

F. On or about September 4, 2019, Inspector C.K. from the Medical Board's Probation Unit visited Apollo Physicians, 576 N. Sunrise Ave. in Roseville, California to speak with the Respondent and confirm whether she was practicing in the suites listed on her Quarterly Declarations. Suite number 210 was inaccessible and upon contact with staff in suite number 220, Inspector C.K. was told Respondent did not work there and had been terminated. Inspector C.K. also visited suite number 230A at the same address. Upon speaking with staff in suite number 230A, Inspector C.K. was told Respondent no longer worked there and was terminated in approximately February 2019.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

8. Respondent has further subjected her Physician's and Surgeon's Certificate No. A 72295 to disciplinary action under section 2227 and 2234, as defined by section 2234, of the Code, in that she 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 paragraph 7, above, which is hereby incorporated by reference as if fully set forth herein.

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FIRST CAUSE TO REVOKE PROBATION

(Failure to Pay Probation Monitoring and Evaluation Costs)

9. At all times after the effective date of the Medical Board's Decision in Case No. D1-2007-186835, Condition No. 24 stated:

"Probation Monitoring Costs. Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year."

10. Respondent's probation is subject to revocation because she failed to comply with Probation Condition No. 24, referenced above. The facts and circumstances regarding this violation are as follows:

A. On or about April 16, 2019, a letter was sent to the Respondent from the Medical Board of California Probation Unit advising her of the total outstanding balance of $23,732.04 for probation monitoring costs in Case No. D1-2007-186835, and giving her a due date of June 30, 2019, to submit a final payment. The letter was accompanied with a billing statement detailing the following balances each year Respondent was on probation: balance owed for 2014 was $2,167.04, balance owed for 2015 was $3,141.00, balance owed for 2016 was $3,647.00, balance owed for 2017 was $4,537.00, balance owed for 2018 was $4,749.00, balance owed for 2019 was $4,261.00, and total psychiatric evaluation costs owed was $1,230.00.

B. On or about June 18, 2019, an interview was conducted at Respondent's place of practice with the Board's Probation Monitor at which time the terms and conditions of her probation in Case No. D1-2007-186835 were discussed, including the outstanding balance for her probation monitoring costs, which were due by June 30, 2019. Subsequent to this interview, a letter dated June 18, 2019 was emailed and mailed to the Respondent, which specified the outstanding balance for Respondent's probation monitoring costs of

$23,732.04 that was due no later than June 30, 2019, and that failure to pay this amount would constitute a violation of probation.

C. On or about August 13, 2019, an email was sent to the Respondent by Inspector C.K. from the Medical Board's Probation Unit, stating that the balance owed for Respondent's probation monitoring costs was $23,732.04 which was due and that failure to pay would result in further disciplinary action.

SECOND CAUSE TO REVOKE PROBATION

(Failure to Comply with General Probation Requirements)

11. At all times after the effective date of the Medical Board's Decision in Case No. D1-2007-186835, Condition No. 18 stated:

"General Probation Requirements.

Compliance with Probation Unit. Respondent shall comply with the Board's probation unit and all terms and conditions of this Decision.

Address Changes. Respondent shall, at all times, keep the Board informed of Respondent's business and residence addresses, email address (if available), and telephone number. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021(b).

Place of Practice. Respondent shall not engage in the practice of medicine in Respondent's or patient's place of residence, unless the patient resides in a skilled nursing facility or other similar licensed facility.

License Renewal. Respondent shall maintain a current and renewed California physician's and surgeon's license.

Travel or Resident Outside California. Respondent shall immediately inform the Board or its designee, in writing, of travel to any area outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) calendar days. In the event Respondent should leave the State of California to reside or to practice Respondent shall

notify the Board or its designee in writing 30 calendar days prior to the dates of departure and return."

12. Respondent's probation is subject to revocation because she failed to comply with Probation Condition No. 18, referenced above. The facts and circumstances regarding this violation are as follows:

A. On or about April 11, 2019, Respondent submitted a 2019 First Quarterly Declaration signed under penalty of perjury under the laws of the State of California that listed her primary place of practice as Apollo Physicians, 576 N. Sunrise Ave., #220, Roseville, California 95678.

B. On or about June 13, 2019, Respondent stated in an email communication to Enforcement Program Manager P.R. that her office location was "576 North Sunrise Avenue #230A Roseville."

C. On or about July 11, 2019, Respondent submitted a 2019 Second Quarterly Declaration signed under penalty of perjury under the laws of the State of California that listed her primary place of practice as Apollo Physicians, 576 N. Sunrise Ave., Roseville, California 94661.

D. On or about August 28, 2019, Inspector C.K. from the Medical Board's Probation Unit visited Apollo Physicians, 576 N. Sunrise Ave., #230A, Roseville, California 95661 to speak with the Respondent. Inspector C.K. was advised by the receptionist at Apollo Physicians that Respondent was no longer employed and had not worked there since February 2019. Inspector C.K. also spoke with R.D., M.D., by telephone who identified himself as the business owner of Apollo Physicians and confirmed Respondent had not worked there since February 2019.

E. On or about August 30, 2019, Inspector C.K. from the Medical Board's Probation Unit, Probation Analyst E.C., and Enforcement Program Manager Paulette Romero spoke with Respondent via a telephone call at which time Probation Analyst E.C. asked Respondent to confirm her place of practice. Respondent stated her place of practice was Apollo Physicians, 576 N. Sunrise Ave., #210, Roseville, California. Respondent was

advised Inspector C.K. visited that location on or about August 28, 2019, and was told Respondent had not worked there since approximately February 2019. Respondent retorted that she was uncertain as to why staff at Apollo Physicians would say that.

F. On or about September 4, 2019, Inspector C.K. from the Medical Board's Probation Unit visited Apollo Physicians, 576 N. Sunrise Ave. in Roseville, California to speak with the Respondent and confirm whether she was practicing in the suites listed on her Quarterly Declarations. Suite number 210 was inaccessible and upon contact with staff in suite number 220, Inspector C.K. was told Respondent did not work there and had been terminated. Inspector C.K. also visited suite number 230A at the same address. Upon speaking with staff in suite number 230A, Inspector C.K. was told Respondent no longer worked there and was terminated in approximately February 2019.

THIRD CAUSE TO REVOKE PROBATION

(Failure to Properly Submit Quarterly Declarations)

13. At all times after the effective date of the Medical Board's Decision in Case No. D1-2007-186835, Condition No. 17 stated:

"Quarterly Declarations. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation. Respondent shall submit quarterly declaration not later than 10 calendar days after the end of the preceding quarter."

14. Respondent's probation is subject to revocation because she failed to comply with Probation Condition No. 17, referenced above, in that she failed to properly submit quarterly declarations, as more particularly alleged in paragraph 12, which is hereby incorporated by reference and realleged as if fully set forth therein.

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FOURTH CAUSE TO REVOKE PROBATION

(Failure to Obey All Laws)

15. At all times after the effective date of the Medical Board's Decision in Case No. D1-2007-186835, Condition No. 16 stated:

"Obey All Laws. Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California and remain in full compliance with any court ordered criminal probation, payments, and other orders."

16. Respondent's probation is subject to revocation because she failed to comply with Probation Condition No. 16, referenced above, in that she failed to obey all laws, as more particularly alleged in paragraph 12, which is hereby incorporated by reference as if fully set forth therein.

FIFTH CAUSE TO REVOKE PROBATION

(Violation of Probation)

17. At all times after the effective date of the Medical Board's Decision in Case No. D1-2007-186835, Condition No. 22 stated:

"Violation of Probation. Failure to fully comply with any term or condition of probation is a violation of probation. If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final."

18. Respondent's probation is subject to revocation because she failed to comply with Probation Condition No. 22, referenced above, in that she violated her probation terms and conditions, as more particularly alleged in paragraphs 9 through 17, which are hereby incorporated by reference as if fully set forth therein.

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SIXTH CAUSE TO REVOKE PROBATION

(Failure to Comply with Biological Fluid Testing)

19. At all times after the effective date of the Medical Board's Decision in Case No. D1-2007-186835, Condition No. 5 stated:

"Biological Fluid Testing. Respondent shall immediately submit to biological fluid testing, at Respondent's expense, upon request of the Board or its designee. "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair follicle testing, or similar drug screening approved by the Board or its designee. Prior to practicing medicine, Respondent shall contract with a laboratory or service approved in advance by the Board or its designee that will conduct random, unannounced, observed, biological fluid testing. The contract shall require results of the tests to be transmitted by the laboratory or service directly to the Board or its designee within four hours of the results becoming available. Respondent shall maintain this laboratory or service contract during the period of probation. A certified copy of any laboratory test result may be received in evidence in any proceedings between the Board and Respondent. If Respondent fails to cooperate in a random biological fluid testing program within the specified time frame, Respondent shall receive a notification from the Board or its designee to immediately cease the practice of medicine. The Respondent shall not resume the practice of medicine until final decision on an accusation and/or a petition to revoke probation. An accusation and/or petition to revoke probation shall be filed by the Board within 15 days of the notification to cease practice. If the Respondent requests a hearing on the accusation and/or petition to revoke probation, the Board shall provide the Respondent with a hearing within 30 days of the request, unless the Respondent stipulates to a later hearing. A decision shall be received from the Administrative Law Judge or the Board within 15 days unless good cause can be shown for the delay. The cessation of practice shall not apply

to the reduction of the probationary time period. If the Board does not file an accusation or petition to revoke probation within 15 days of the issuance of the notification to cease practice or does not provide Respondent with a hearing within 30 days of a such a request, the notification of cease practice shall be dissolved."

20. Respondent's probation is subject to revocation because she failed to comply with Probation Condition No. 5, referenced above. The facts and circumstances regarding this violation are as follows:

A. On or about October 24, 2019, Respondent was selected to provide a biological fluid sample and failed to do so.

B. On or about October 31, 2019, Probation Analyst E.C. mailed a letter to the Respondent requesting an explanation for the missed biological fluid test on or about October 24, 2019.

C. On or about November 5, 2019, Respondent sent an email to Probation Analyst E.C. stating her First Source account was suspended for non-payment and she was unable to check in to receive her biological fluid testing notification.

DISCIPLINE CONSIDERATIONS

21. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about December 16, 2010, in a prior disciplinary action entitled *In the Matter of the Accusation Against Jennifer Louise Hopper, M.D.*, before the Medical Board of California, in Case No. D1-2007-186835, Respondent's license was revoked and stayed for a period of five (5) years in which Respondent was placed on probation with certain terms and conditions for repeated negligent acts as to two patients. That decision is now final and is incorporated by reference as if fully set forth.

PRAYER

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

1. Revoking the probation that was granted by the Medical Board of California in Case No. D1-2007-186835 and imposing the disciplinary order that was stayed thereby revoking Physician's and Surgeon's Certificate No. A 72295 issued to Jennifer Louise Hopper, M.D.;

2. Revoking or suspending Physician's and Surgeon's Certificate No. A 72295, issued to Jennifer Louise Hopper, M.D.;

3. Revoking, suspending or denying approval of Jennifer Louise Hopper, M.D.'s authority to supervise physician's assistants, pursuant to section 3527 of the Code, and advanced practice nurses;

4. Ordering Jennifer Louise Hopper, M.D., to pay the Medical Board of California the reasonable costs of the investigation and enforcement of this case, and, if placed on probation, the costs of probation monitoring; and

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

DATED: December 3, 2019

CHRISTINE J. LALLY
Interim Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

SA2019104772
First Amended Accusation and Petition to Revoke Probation Hopper.docx

Exhibit A

Decision and Order

Medical Board of California Case No. 800-2019-059104

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

In the Matter of the Accusation/Petition to Revoke Probation Against:	)	
JENNIFER HOPPER, M.D.	)	Case No. D1-2007-186835
Physician's and Surgeon's Certificate No. A 72295	)	
Respondent.	)	

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on July 3, 2014.

IT IS SO ORDERED June 4, 2014.

MEDICAL BOARD OF CALIFORNIA

By: _____
Barbara Yaroslavsky, Chair
Panel A

MEDICAL BOARD OF CALIFORNIA
I do hereby certify that this document is a true and correct copy of the original on file in this office.
Signature
Custodian of Records
Title
8/20/19
Date

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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/Petition to Revoke Probation Against: **JENNIFER HOPPER, M.D.** 1820 J Street Sacramento, CA 95811 Physician's and Surgeon's Certificate No. A 72295 Respondent.	Case No. D1-2007-186835 OAH No. 2013070287 **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. Kimberly Kirchmeyer ("Complainant") is the Interim Executive Director of the Medical Board of California. She brought this action solely in her official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by Robert C. Miller, Deputy Attorney General.

2. Respondent Jennifer Hopper, M.D. ("Respondent") is represented in this proceeding by attorney Dominique A. Pollara, Esq., whose address is: 400 University Ave. Sacramento, CA 95825-6502.

3. On or about June 29, 2000, the Medical Board of California issued Physician's and Surgeon's Certificate No. A 72295 to Jennifer Hopper, 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/Petition to Revoke Probation No. D1-2007-186835 and will expire on April 30, 2014, unless renewed.

In a disciplinary action entitled "In the Matter of the Accusation against Jennifer Hopper, M.D.," Case No. 02-2007-186835, the Medical Board of California, issued a decision, effective December 16, 2010, in which Respondent's Physician's and Surgeon's Certificate was revoked. However, the revocation was stayed and Respondent's Physician's and Surgeon's Certificate was placed on probation for a period of five (5) years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference

JURISDICTION

4. Accusation/Petition to Revoke Probation No. D1-2007-186835 was filed before the Medical Board of California (Board) , Department of Consumer Affairs, and is currently pending against Respondent. The Accusation/Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on May 10, 2013. Respondent timely filed her Notice of Defense contesting the Accusation/Petition to Revoke Probation.

5. A copy of Accusation/Petition to Revoke Probation No. D1-2007-186835 is attached as exhibit B 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/Petition to Revoke Probation No. D1-2007-186835. 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 her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation/Petition to Revoke Probation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to

the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

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

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation/Petition to Revoke Probation No. D1-2007-186835.

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 Order as set forth in the Disciplinary Order below.

CONTINGENCY

11. 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.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

13. 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

1. IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 72295 issued to Respondent Jennifer Hopper, M.D. (Respondent) is revoked. However, revocation stayed and Respondent is placed on probation for five (5) years upon the following terms and conditions.

2. CONTROLLED SUBSTANCES - PARTIAL RESTRICTION. Respondent shall not order, prescribe, dispense, administer, furnish, or possess any controlled substances listed in Schedule II of the California Uniform Controlled Substances Act.

Respondent shall not issue an oral or written recommendation or approval to a patient or a patient's primary caregiver for the possession or cultivation of marijuana for the personal medical purposes of the patient within the meaning of Health and Safety Code section 11362.5. If Respondent forms the medical opinion, after an appropriate prior examination and medical indication, that a patient's medical condition may benefit from the use of marijuana, Respondent shall so inform the patient and shall refer the patient to another physician who, following an appropriate prior examination and medical indication, may independently issue a medically appropriate recommendation or approval for the possession or cultivation of marijuana for the personal medical purposes of the patient within the meaning of Health and Safety Code section 11362.5. In addition, Respondent shall inform the patient or the patient's primary caregiver that Respondent is prohibited from issuing a recommendation or approval for the possession or cultivation of marijuana for the personal medical purposes of the patient and that the patient or the patient's primary caregiver may not rely on Respondent's statements to legally possess or cultivate marijuana for the personal medical purposes of the patient. Respondent shall fully document in the patient's chart that the patient or the patient's primary caregiver was so informed. Nothing in this condition prohibits Respondent from providing the patient or the patient's primary caregiver information about the possible medical benefits resulting from the use of marijuana.

3. CONTROLLED SUBSTANCES- MAINTAIN RECORDS AND ACCESS TO RECORDS AND INVENTORIES. Respondent shall maintain a record of all controlled

substances ordered, prescribed, dispensed, administered, or possessed by Respondent, and any recommendation or approval which enables a patient or patient's primary caregiver to possess or cultivate marijuana for the personal medical purposes of the patient within the meaning of Health and Safety Code section 11362.5, during probation, showing all the following: 1) the name and address of patient; 2) the date; 3) the character and quantity of controlled substances involved; and 4) the indications and diagnosis for which the controlled substances were furnished.

Respondent shall keep these records in a separate file or ledger, in chronological order. All records and any inventories of controlled substances shall be available for immediate inspection and copying on the premises by the Board or its designee at all times during business hours and shall be retained for the entire term of probation.

4. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, dangerous drugs as defined by Business and Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide illness or condition.

Within 15 calendar days of receiving any lawfully prescribed medications, Respondent shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone number; medication name, strength, and quantity; and issuing pharmacy name, address, and telephone number.

If Respondent has a confirmed positive biological fluid test for any substance (whether or not legally prescribed) and has not reported the use to the Board or its designee, Respondent shall receive a notification from the Board or its designee to immediately cease the practice of medicine. The Respondent shall not resume the practice of medicine until final decision on an accusation and/or a petition to revoke probation. An accusation and/or petition to revoke probation shall be filed by the Board within 15 days of the notification to cease practice. If the Respondent requests a hearing on the accusation and/or petition to revoke probation, the Board shall provide the Respondent with a hearing within 30 days of the request, unless the Respondent

stipulates to a later hearing. A decision shall be received from the Administrative Law Judge or the Board within 15 days unless good cause can be shown for the delay. The cessation of practice shall not apply to the reduction of the probationary time period.

If the Board does not file an accusation or petition to revoke probation within 15 days of the issuance of the notification to cease practice or does not provide Respondent with a hearing within 30 days of a such a request, the notification of cease practice shall be dissolved.

5. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to biological fluid testing, at Respondent's expense, upon request of the Board or its designee. "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair follicle testing, or similar drug screening approved by the Board or its designee. Prior to practicing medicine, Respondent shall contract with a laboratory or service approved in advance by the Board or its designee that will conduct random, unannounced, observed, biological fluid testing. The contract shall require results of the tests to be transmitted by the laboratory or service directly to the Board or its designee within four hours of the results becoming available. Respondent shall maintain this laboratory or service contract during the period of probation.

A certified copy of any laboratory test result may be received in evidence in any proceedings between the Board and Respondent.

If Respondent fails to cooperate in a random biological fluid testing program within the specified time frame, Respondent shall receive a notification from the Board or its designee to immediately cease the practice of medicine. The Respondent shall not resume the practice of medicine until final decision on an accusation and/or a petition to revoke probation. An accusation and/or petition to revoke probation shall be filed by the Board within 15 days of the notification to cease practice. If the Respondent requests a hearing on the accusation and/or petition to revoke probation, the Board shall provide the Respondent with a hearing within 30 days of the request, unless the Respondent stipulates to a later hearing. A decision shall be received from the Administrative Law Judge or the Board within 15 days unless good cause can be shown for the delay. The cessation of practice shall not apply to the reduction of the probationary time period.

If the Board does not file an accusation or petition to revoke probation within 15 days of the issuance of the notification to cease practice or does not provide Respondent with a hearing within 30 days of a such a request, the notification of cease practice shall be dissolved.

6. 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.

7. PRESCRIBING PRACTICES COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in prescribing practices equivalent to the Prescribing Practices Course at the Physician Assessment and Clinical Education Program, University of California, San Diego School of Medicine (Program), approved in advance by the Board or its designee. Respondent shall provide the program with any information and documents that the Program 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.

8. 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 equivalent to the Medical Record Keeping Course offered by the Physician Assessment and Clinical Education Program, University of California, San Diego School of Medicine (Program), approved in advance by the Board or its designee. Respondent shall provide the program with any information and documents that the Program 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.

9. 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. 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.

10. PROFESSIONAL BOUNDARIES PROGRAM. Within 60 calendar days from the effective date of this Decision, Respondent shall enroll in a professional boundaries program equivalent to the Professional Boundaries Program offered by the Physician Assessment and Clinical Education Program at the University of California, San Diego School of Medicine ("Program"). Respondent, at the Program's discretion, shall undergo and complete the Program's assessment of Respondent's competency, mental health and/or neuropsychological performance, and at minimum, a 24 hour program of interactive education and training in the area of boundaries, which takes into account data obtained from the assessment and from the Decision(s), Accusation(s) and any other information that the Board or its designee deems relevant. The Program shall evaluate Respondent at the end of the training and the Program shall provide any data from the assessment and training as well as the results of the evaluation to the Board or its designee.

Failure to complete the entire Program not later than six (6) months after Respondent's initial enrollment shall constitute a violation of probation unless the Board or its designee agrees in writing to a later time for completion. Based on Respondent's performance in and evaluations

from the assessment, education, and training, the Program shall advise the Board or its designee of its recommendation(s) for additional education, training, psychotherapy and other measures necessary to ensure that Respondent can practice medicine safely. Respondent shall comply with Program recommendations. At the completion of the Program, Respondent shall submit to a final evaluation. The Program shall provide the results of the evaluation to the Board or its designee. The professional boundaries program shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

The Program has the authority to determine whether or not Respondent successfully completed the Program.

A professional boundaries 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.

If Respondent fails to complete the Program within the designated time period, Respondent shall cease the practice of medicine within three (3) calendar days after being notified by the Board or its designee that Respondent failed to complete the Program.

11. CLINICAL TRAINING PROGRAM. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a clinical training or educational program equivalent to the Physician Assessment and Clinical Education Program (PACE) offered at the University of California - San Diego School of Medicine ("Program"). Respondent shall successfully complete the Program not later than six (6) months after Respondent's initial enrollment unless the Board or its designee agrees in writing to an extension of that time.

The Program shall consist of a Comprehensive Assessment program comprised of a two-day assessment of Respondent's physical and mental health; basic clinical and communication skills common to all clinicians; and medical knowledge, skill and judgment pertaining to Respondent's area of practice in which Respondent was alleged to be deficient, and at minimum, a 40 hour program of clinical education in the area of practice in which Respondent was alleged

to be deficient and which takes into account data obtained from the assessment, Decision(s), Accusation(s), and any other information that the Board or its designee deems relevant. Respondent shall pay all expenses associated with the clinical training program.

Based on Respondent's performance and test results in the assessment and clinical education, the Program will advise the Board or its designee of its recommendation(s) for the scope and length of any additional educational or clinical training, treatment for any medical condition, treatment for any psychological condition, or anything else affecting Respondent's practice of medicine. Respondent shall comply with Program recommendations.

At the completion of any additional educational or clinical training, Respondent shall submit to and pass an examination. Determination as to whether Respondent successfully completed the examination or successfully completed the program is solely within the program's jurisdiction.

If Respondent fails to enroll, participate in, or successfully complete the clinical training program within the designated time period, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. The Respondent shall not resume the practice of medicine until enrollment or participation in the outstanding portions of the clinical training program have been completed. If the Respondent did not successfully complete the clinical training program, the Respondent shall not resume the practice of medicine until a final decision has been rendered on the accusation and/or a petition to revoke probation. The cessation of practice shall not apply to the reduction of the probationary time period.]

Within 60 days after Respondent has successfully completed the clinical training program, Respondent shall participate in a professional enhancement program equivalent to the one offered by the Physician Assessment and Clinical Education Program at the University of California, San Diego School of Medicine, which shall include quarterly chart review, semi-annual practice assessment, and semi-annual review of professional growth and education. Respondent shall participate in the professional enhancement program at Respondent's expense during the term of probation, or until the Board or its designee determines that further participation is no longer

necessary.

12. PSYCHIATRIC EVALUATION. Within 30 calendar days of the effective date of this Decision, and on whatever periodic basis thereafter may be required by the Board or its designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall consider any information provided by the Board or designee and any other information the psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all psychiatric evaluations and psychological testing.

Respondent shall comply with all restrictions or conditions recommended by the evaluating psychiatrist within 15 calendar days after being notified by the Board or its designee.

Respondent shall not engage in the practice of medicine until notified by the Board or its designee that Respondent is mentally fit to practice medicine safely. The period of time that Respondent is not practicing medicine shall not be counted toward completion of the term of probation

13. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice where: 1) Respondent merely shares office space with another physician but is not affiliated for purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that location. If Respondent fails to establish a practice with another physician or secure employment in an appropriate practice setting within 60 calendar days of the effective date of this Decision, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. The Respondent shall not resume practice until an appropriate practice setting is established.

If, during the course of the probation, the Respondent's practice setting changes and the Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent shall notify the Board or its designee within 5 calendar days of the practice setting change. If

Respondent fails to establish a practice with another physician or secure employment in an appropriate practice setting within 60 calendar days of the practice setting change, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. The Respondent shall not resume practice until an appropriate practice setting is established.

14. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to Respondent, at any other facility where Respondent engages in the practice of medicine, including all physician and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage to Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15 calendar days.

This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

15. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is prohibited from supervising physician assistants.

16. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.

17. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation.

Respondent shall submit quarterly declarations not later than 10 calendar days after the end of the preceding quarter.

18. GENERAL PROBATION REQUIREMENTS.

Compliance with Probation Unit

Respondent shall comply with the Board's probation unit and all terms and conditions of this Decision.

Address Changes

Respondent shall, at all times, keep the Board informed of Respondent's business and residence addresses, email address (if available), and telephone number. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021(b).

Place of Practice

Respondent shall not engage in the practice of medicine in Respondent's or patient's place of residence, unless the patient resides in a skilled nursing facility or other similar licensed facility.

License Renewal

Respondent shall maintain a current and renewed California physician's and surgeon's license.

Travel or Residence Outside California

Respondent shall immediately inform the Board or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) calendar days.

In the event Respondent should leave the State of California to reside or to practice Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of departure and return.

19. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be available in person upon request for interviews either at Respondent's place of business or at the probation unit office, with or without prior notice throughout the term of probation.

20. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is defined as any period of time Respondent is not practicing medicine in California as defined in Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month

in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice. Practicing medicine in another state of the United States or Federal jurisdiction while on probation with the medical licensing authority of that state or jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-practice.

In the event Respondent's period of non-practice while on probation exceeds 18 calendar months, Respondent shall successfully complete a clinical training program that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

Respondent's period of non-practice while on probation shall not exceed two (2) years.

Periods of non-practice will not apply to the reduction of the probationary term.

Periods of non-practice will relieve Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; and General Probation Requirements.

21. COMPLETION OF PROBATION. Respondent shall comply with all financial obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, Respondent's certificate shall be fully restored.

22. VIOLATION OF PROBATION. Failure to fully comply with any term or condition of probation is a violation of probation. If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

23. LICENSE SURRENDER. Following the effective date of this Decision, if Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy

the terms and conditions of probation, Respondent may request to surrender his or her license. The Board reserves the right to evaluate Respondent's request and to exercise its discretion in determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its designee and Respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

24. PROBATION MONITORING COSTS. Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Dominique A. Pollaro, Esq. 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: 3-31-14

JENNIFER HOPPER, M.D.
Respondent

I have read and fully discussed with Respondent Jennifer Hopper, 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: 3/31/14

Dominique A. Pollaro, Esq.
Attorney for Respondent

the terms and conditions of probation, Respondent may request to surrender his or her license. The Board reserves the right to evaluate Respondent's request and to exercise its discretion in determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its designee and Respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

24. PROBATION MONITORING COSTS. Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Dominique A. Pollara, Esq. 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: 3-31-14

JENNIFER HOPPER, M.D.
Respondent

I have read and fully discussed with Respondent Jennifer Hopper, 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: 3/31/14

Dominique A. Pollara, 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: 4/28/2014

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ROBERT MCKIM BELL
Supervising Deputy Attorney General

ROBERT C. MILLER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation/Petition to Revoke Probation No. D1-2007-186835

KAMALA D. HARRIS
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GAIL M. HEPPELL
Supervising Deputy Attorney General
ROBERT C. MILLER
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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO MAY 10 20 13
BY: ANALYST

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

In the Matter of the Accusation/Petition to Revoke Probation Against: **JENNIFER HOPPER, M.D.** 1820 J Street Sacramento, CA 95811 **Physician's and Surgeon's Certificate No. A 72295** Respondent.	Case No. D1-2007-186835 **ACCUSATION AND PETITION TO REVOKE PROBATION**

Complainant alleges:

PARTIES

1. Linda K. Whitney (Complainant) brings this Accusation and Petition to Revoke Probation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs.

2. On or about June 29, 2000, the Medical Board of California issued Physician's and Surgeon's Certificate Number A 72295 to Jennifer Hopper, M.D. (Respondent). The Physician's and Surgeon's Certificate was in effect at all times relevant to the charges brought herein and will expire on April 30, 2014, unless renewed.

3. In a disciplinary action entitled "In the Matter of the Accusation against Jennifer Hopper, M.D.," Case No. 02-2007-186835, the Medical Board of California, issued a decision;

effective December 16, 2010, in which Respondent's Physician's and Surgeon's Certificate was revoked. However, the revocation was stayed and Respondent's Physician's and Surgeon's Certificate was placed on probation for a period of five (5) years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

JURISDICTION

4. This Accusation and Petition to Revoke Probation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions 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.

(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 there with that are agreed to with the division 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."

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 scheduled by the mutual agreement of the certificate holder and the

board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board."

7. Section 2239 of the Code states in pertinent part:

"(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.

FIRST CAUSE FOR DISCIPLINE

[Bus. & Prof. Code § 2234(e)]

(Act Involving Dishonesty or Corruption)

8. Respondent is subject to disciplinary action under section 2234(e) of the Code in that she committed acts of dishonesty and corruption and unprofessional conduct. The circumstances are as follows:

9. In 2012, Respondent worked as a family physician for Quality Medical Care in Roseville, California.

10. For approximately an eight month period between January and August, 2012, Respondent wrote fraudulent patient prescriptions for benzodiazepines, including Klonopin, Ambien and Xanax for patient S.H. Instead of being for the benefit of the patient, Respondent diverted the prescriptions for her own use.

11. In approximately August, 2012, Respondent's employer learned of the fraudulently diverted prescriptions and confronted Respondent who denied the allegation. Respondent then contacted the patient S.H. and asked her to tell Respondent's employer that the prescriptions were for her. S.H. declined and said that she would not lie for Respondent.

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12. In a December 19, 2012 interview with Medical Board investigators, Respondent admitted that she had been diverting the patient's prescription for her own use and was self-medicating for her insomnia and anxiety.

13. Respondent's conduct as described above are acts of dishonesty and corruption in the practice of medicine and constitute unprofessional conduct in violation of section 2234(e) of the Code, and thereby provides cause for discipline to Respondent's physician's and surgeon's certificate.

SECOND CAUSE FOR DISCIPLINE

[Bus. & Prof. Code § 2239]
(Self Prescribing)

14. Respondent is subject to disciplinary action under section 2239 of the Code in that she self prescribed controlled substances in a manner constituting unprofessional conduct. The circumstances are as follows:

15. Paragraphs 8 through 12 above are repeated here as if fully set forth.

16. Respondent's conduct as described above is self prescribing of controlled substances in a manner constituting unprofessional conduct in violation of section 2239 of the Code, and thereby provides cause for discipline to Respondent's physician's and surgeon's certificate.

CAUSE TO REVOKE PROBATION

(Obey all laws)

17. At all times after the effective date of Respondent's probation, Condition 6 read:

"Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California, and remain in full compliance with any court ordered criminal probation, payments and other orders."

18. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 6, referenced above. The facts and circumstances regarding this violation are as follows:

A. Paragraphs 8 through 12 above are repeated here as if fully set forth.

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DISCIPLINE CONSIDERATIONS

19. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about March 1, 2012, a Citation Order was issued against Jennifer Hopper, M.D. before the Medical Board of California, in Citation No. 20-2011-217533. Respondent was cited and fined $250.00 for failing to provide records to a patient within 15 days of the receipt of the patient's request for the records. That decision is now final and is incorporated by reference as if fully set forth.

PRAYER

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

1. Revoking the probation that was granted by the Medical Board of California in Case No. 02-2007-186835 and imposing the disciplinary order that was stayed thereby revoking Physician's and Surgeon's Certificate No. A 72295 issued to Jennifer Hopper, M.D.;

2. Revoking or suspending Physician's and Surgeon's Certificate No. A 72295, issued to Jennifer Hopper, M.D.;

3. Revoking, suspending or denying approval of Jennifer Hopper, M.D.'s authority to supervise physician's assistants, pursuant to section 3527 of the Code;

4. Ordering Jennifer Hopper, M.D. to pay the Medical Board of California the costs of probation monitoring if placed on probation;

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

DATED: May 10, 2013

LINDA K. WHITNEY
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

Decision and Order

Medical Board of California Case No. 02-2007-186835

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

In the Matter of the Accusation Against: JENNIFER HOPPER, M.D. Physician's and Surgeon's Certificate No. A 72295 Respondent.	File No. 02-2007-186835

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision and Order by the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on December 16, 2010.

DATED November 16, 2010

MEDICAL BOARD OF CALIFORNIA

Shelton Duruisseau

Shelton Duruisseau, Ph.D.
Chair, Panel A

EDMUND G. BROWN JR.
Attorney General of California
GAIL M. HEPPELL
Supervising Deputy Attorney General
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1300 I Street, Suite 125
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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: **JENNIFER HOPPER, M.D.** **151 N. Sunrise Avenue, Suite 1203** **Roseville, California 95661** **Physician's and Surgeon's Certificate No. A 72295** Respondent.	Case No. 02-2007-186835 OAH No. 2010020338 **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. Linda K. Whitney (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 Edmund G. Brown Jr., Attorney General of the State of California, by Robert C. Miller, Deputy Attorney General.

2. Respondent Jennifer Hopper, M.D. (Respondent) is represented in this proceeding by attorney John H. Dodd, whose address is 345 California Street, Suite 1770, San Francisco, CA 94104. On or about June 29, 2000, the Board issued Physician's and Surgeon's Certificate

No. A72295 to Jennifer Hopper, M.D. (Respondent). Said certificate was active and valid at all times relevant to this proceeding.

JURISDICTION

3. Accusation No. 02-2007-186835 was filed before the Medical Board of California (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 02-2007-186835 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

4. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 02-2007-186835. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

5. 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 be represented by counsel at her own expense; 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.

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

CULPABILITY

7. Respondent understands and agrees that the charges and allegations in Accusation No. 02-2007-186835, if proven at a hearing, constitute cause for imposing discipline upon her Physician's and Surgeon's Certificate.

8. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that in compromise of the Accusation against her, and to

avoid the risk of greater discipline to her license should the allegations be proven at hearing, that she is bound by the Board's imposition of discipline, and that Respondent hereby gives up her right to contest those charges.

9. Based on the foregoing, Respondent agrees that her Physician's and Surgeon's Certificate may be disciplined and she agrees to be bound by Board's imposition of discipline as set forth in the Disciplinary Order below.

RESERVATION

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

CONTINGENCY

11. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board 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.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. 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:

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DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's No. A72295 issued to Respondent Jennifer Hopper, M.D. (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for five years (5) on the following terms and conditions.

1. EDUCATION COURSE Beginning in the second year of probation and on an annual basis thereafter, Respondent shall submit to the Board for its prior approval educational program(s) or course(s) which shall not be less than 25 hours per year, for each remaining year of probation. The educational program(s) or course(s) shall be aimed at correcting deficient practice or knowledge in the treatment of pain management and addiction and shall be Category I certified, 20 hours of which are limited to classroom, conference, or seminar settings; 5 hours may be in non-classroom settings. 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 may administer an examination to test Respondent's knowledge of the course. Respondent shall provide proof of attendance for 50 hours of continuing medical education of which 25 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, at Respondent's expense, approved in advance by the Board. Failure to successfully complete the course during the first 6 months of probation is a violation of probation.

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, be accepted towards the fulfillment of this condition if the course would have been approved by the Board had the course been taken after the effective date of this Decision.

Respondent shall submit a certification of successful completion to the Board 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. 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, at Respondent's expense, approved in advance by the Board. Failure to successfully complete the course during the first 6 months of probation is a violation of probation.

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, be accepted towards the fulfillment of this condition if the course would have been approved by the Board had the course been taken after the effective date of this Decision.

Respondent shall submit a certification of successful completion to the Board 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.

4. NOTIFICATION Prior to engaging in the practice of medicine, the Respondent shall provide a true copy of the Decision(s) and Accusation(s) to the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to Respondent, at any other facility where Respondent engages in the practice of medicine, including all physician and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage to Respondent. Respondent shall submit proof of compliance to the Board within 15 calendar days.

This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

5. SUPERVISION OF PHYSICIAN ASSISTANTS During probation, Respondent is prohibited from supervising physician assistants.

6. OBEY ALL LAWS Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California, and remain in full compliance with any court ordered criminal probation, payments and other orders.

7. QUARTERLY DECLARATIONS Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation. Respondent shall submit quarterly declarations not later than 10 calendar days after the end of the preceding quarter.

8. PROBATION UNIT COMPLIANCE Respondent shall comply with the Board's probation unit. Respondent shall, at all times, keep the Board informed of Respondent's business and residence addresses. Changes of such addresses shall be immediately communicated in writing to the Board. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021(b).

Respondent shall not engage in the practice of medicine in Respondent's place of residence. Respondent shall maintain a current and renewed California physician's and surgeon's license.

Respondent shall immediately inform the Board, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than 30 calendar days.

9. INTERVIEW WITH THE BOARD Respondent shall be available in person for interviews either at Respondent's place of business or at the probation unit office, with the Board upon request at various intervals, and either with or without prior notice throughout the term of probation.

10. RESIDING OR PRACTICING OUT-OF-STATE In the event Respondent should leave the State of California to reside or to practice, Respondent shall notify the Board in writing 30 calendar days prior to the dates of departure and return. Non-practice is defined as any period of time exceeding 30 calendar days in which Respondent is not engaging in any activities defined in Sections 2051 and 2052 of the Business and Professions Code.

All time spent in an intensive training program outside the State of California which has been approved by the Board shall be considered as time spent in the practice of medicine within the State. A Board-ordered suspension of practice shall not be considered as a period of non-practice. Periods of temporary or permanent residence or practice outside California will not apply to the reduction of the probationary term. Periods of temporary or permanent residence or practice outside California will relieve Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; Probation Unit Compliance; and Cost Recovery.

Respondent's license shall be automatically cancelled if Respondent's periods of temporary or permanent residence or practice outside California total two years. However, Respondent's

license shall not be cancelled as long as Respondent is residing and practicing medicine in another state of the United States and is on active probation with the medical licensing authority of that state, in which case the two year period shall begin on the date probation is completed or terminated in that state.

11. FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT

In the event Respondent resides in the State of California and for any reason Respondent stops practicing medicine in California, Respondent shall notify the Board in writing within 30 calendar days prior to the dates of non-practice and return to practice. Any period of non-practice within California, as defined in this condition, will not apply to the reduction of the probationary term and does not relieve Respondent of the responsibility to comply with the terms and conditions of probation. Non-practice is defined as any period of time exceeding 30 calendar days in which Respondent is not engaging in any activities defined in sections 2051 and 2052 of the Business and Professions Code.

All time spent in an intensive training program which has been approved by the Board shall be considered time spent in the practice of medicine. For purposes of this condition, non-practice due to a Board-ordered suspension or in compliance with any other condition of probation, shall not be considered a period of non-practice.

Respondent's license shall be automatically cancelled if Respondent resides in California and for a total of two years, fails to engage in California in any of the activities described in Business and Professions Code sections 2051 and 2052.

12. COMPLETION OF PROBATION Respondent shall comply with all financial obligations (e.g., cost recovery, restitution, probation costs) not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, Respondent's certificate shall be fully restored. Pursuant to Business and Professions Code section 2307, Respondent may file a Petition for Penalty Relief after two years of probation have been completed.

13. VIOLATION OF PROBATION Failure to fully comply with any term or condition

of probation is a violation of probation. If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, Petition to Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

14. LICENSE SURRENDER Following the effective date of this Decision, if Respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request the voluntary surrender of Respondent's license. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board and Respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation and the surrender of Respondent's license shall be deemed disciplinary action. If Respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

15. PROBATION MONITORING COSTS Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which are currently set at $3673.00, but may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board no later than January 31 of each calendar year. Failure to pay costs within 30 calendar days of the due date is a violation of probation.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, John H. Dodd. 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: 9-8-2010

JENNIFER HOPPER, M.D.
Respondent

I have read and fully discussed with Respondent Jennifer Hopper, 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: 9/8/10

John H. Dodd
Attorney for Respondent

ENDORSEMENT

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

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, John H. Dodd. 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: 9-8-2010 _____

JENNIFER HOPPER, M.D.
Respondent

I have read and fully discussed with Respondent Jennifer Hopper, 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: _____ _____

John H. Dodd
Attorney for Respondent

ENDORSEMENT

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

Dated: Sept 22, 2010

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California
GAIL M. HEPPELL
Supervising Deputy Attorney General

ROBERT C. MILLER
Deputy Attorney General
Attorneys for Complainant

SA2008304331/10605506.doc

Exhibit A

Accusation No. 02-2007-186835

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO April 27 2007
BY [signature] ANALYST

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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: JENNIFER HOPPER, M.D. 151 N. Sunrise Ave., Suite 1203 Roseville, California 95661 Physician and Surgeon's Certificate No. A 72295 Respondent.	Case No. 02-2007-186835 ACCUSATION

Complainant alleges:

PARTIES

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

2. On or about June 29, 2000, the Medical Board of California issued Physician and Surgeon's Certificate No. A 72295 to Jennifer Hopper, M.D. (Respondent). The Physician 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, 2010, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board), Department of Consumer Affairs, 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 provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Division[1] deems proper.

5. Section 2234 of the Code states:

"The Division of Medical Quality 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 . . . 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

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1. Section 2002, as amended and effective January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in the State Medical Practice Act (§§ 2000, et seq.) means the "Medical Board of California," and references to the "Division of Medical Quality" and "Division of Licensing" in the Act or any other provision of law shall be deemed to refer to the Board.

of care, each departure constitutes a separate and distinct breach of the standard of care."

6. 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."

7. OxyContin is the trade name for Oxycodone. Oxycodone is a Schedule II controlled substance under Health and Safety Code Section 11055(b)(1)(N) and a dangerous drug under Code section 4022.

8. Valium is the trade name for diazepam. Diazepam is a schedule IV controlled substance under Health and Safety Code section 11057(d)(9) and a dangerous drug under Code section 4022.

FIRST CAUSE FOR DISCIPLINE
(Repeated Negligent Acts)
[Bus. & Prof. Code, § 2234, subd. (c)]

9 Respondent is subject to disciplinary action under section 2234, subdivision (c) in that she was repeatedly negligent in her care and treatment of patients A.K. and A.E.K.[2] The circumstances are as follows:

Patient A.K.

10 Respondent currently operates a solo practice in Roseville, California. Prior to her solo practice, she was employed by Roy Harris, M.D. until she left in 2005. Patient A.K. was a patient of Dr. Harris. Respondent was aware that patient A.K. had been under the care of a neurologist for seizure management, suffered from neck and back pain, and was addicted to OxyContin.

11. On or about February 9, 2006, patient A.K., ". . .who was 20 years old, presented . . ." for a medication review. A.K. was already taking OxyContin intranasally even though it had not been prescribed to him. A.K. told respondent that his pain was so bad, he

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2. The patient names are abbreviated herein to protect patient confidentiality. The patient names and medical records will be provided upon receipt of a properly executed and served Request for Discovery.

resorted to illegal use. Respondent was aware that A.K.'s father had been addicted to OxyContin (father had died of polypharmacy in 2004). A.K. had multiple falls from seizures and had head, neck and back pain. Respondent noted patient A.K. had suffered a second petit mal seizure and the removal of a brain cyst. The medications listed for patient A.K. included Valium and OxyContin (80 mg b.i.d. intranasally and 20 mg p.o. b.i.d.). Respondent's assessment was "chronic pain, 40 mg taken daily, refill Valium for sleep" and referred patient A.K. to another physician for seizure control. The plan was for patient A.K. to "switch now to 40 mg p.o. b.i.d. and 60 mg IN bid."

12. Respondent subsequently saw patient A.K. approximately twenty-one (21) times between March 7, 2006, through February 28, 2008. During that time, Respondent provided patient A.K. with monthly prescriptions for Tegretol. Office notes, however, do not document orders or lab results for Tegretol or CBC levels. Notes also documented Respondent's unsuccessful attempts to refer patient A.K. to a pain clinic because patient A.K. was "just an addict." Respondent also documented that patient A.K. did not want to go on methadone and was compliant with the tapering plan of gradually changing the mode of usage of OxyContin from nasal to oral. Respondent wrote numerous, almost monthly, prescriptions to patient A.K. for Valium and OxyContin.

13. Respondent wrote prescriptions for OxyContin to address patient A.K.'s pain and addiction. Respondent addressed patient A.K.'s OxyContin addiction by decreasing his nasal snorting of OxyContin and substituting oral doses in a tapering manner.

14. Respondent did not offer and/or require that A.K. sign a written pain contract. Respondent discussed with A.K. filling the prescriptions at Safeway because she knew the pharmacist and that he had extensive pain training. A.K. paid cash for the prescriptions because he did not have insurance. The cost of filling the prescriptions was approximately $1,000 per month.

15. A neurologic exam was performed on October 31, 2007. The office note for the October 31, 2007, visit documents that patient A.K. was doing "very well," had no seizure

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activity, some headache and anxiety that improved with Valium. Respondent also noted that the Valium possibly suppressed seizure activity.

16. A neurologic exam was also performed on January 17, 2008. Respondent documented that patient A.K. had a seizure while at home. Patient A.K. went to the emergency room, had a CT scan, and was bolused with Tegretol. Patient A.K. represented that he was out of Valium and his prescription was refilled for 10 mg two tablets q.i.d.

17. Patient A.K. underwent another neurologic exam on February 28, 2008, after having been hospitalized for seizures and subarachnoid hemorrhage. Patient A.K. was managed with 120 mg of OxyContin daily which was "now at the baseline dosage of an opiate that will hold his baseline chronic neck, back and head pain."

18. On February 12, 2008, patient A.K. visited the emergency room at Sutter Roseville Medical Center and was hospitalized through February 18, 2008. Patient A.K. again visited the emergency room on February 19, and was hospitalized through February 21, 2008.

Patient A.E.K.

19. Respondent first saw patient A.E.K. while she was employed as a physician by Dr. Harris. Patient A.E.K. continued to see Respondent after she opened her solo practice in Roseville. Patient A.E.K is the sister of Patient A.K.

20. On or about February 9, 2006, patient A.E.K. who was 24 years old at that time presented for a recheck of her medications. Respondent only generally noted in the medical records that she had reviewed the relevant histories. Current medications included Xanax and OxyContin. A.E.K. started using OxyContin which she obtained from a trainer at her gym for her back pain. There was no mention of pain in the medical records for this visit. Records indicated "well-appearing, in no distress." In the social history of the fact sheet in the records it is recorded "of note her father died of a polypharmacy overdose, he was primarily addicted to OxyContin." A.E.K. "found him after being dead for a number of days. Has had intermittent anxiety and difficulty sleeping since this time." Respondent prescribed intranasal OxyContin with the plan to decrease patient A.E.K.'s intranasal use of OxyContin by substituting oral doses

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in a tapering manner. Pharmacy records reveal that patient A.E.K. received OxyContin on almost a monthly basis through approximately April 10, 2007.

21. Patient A.E.K. saw Respondent again on March 30, 2006. Respondent's assessment was chronic pain syndrome for which she also provided treatment. Respondent, however, failed to document the medical history and physical exam as it pertained to patient A.E.K.'s complaints of chronic pain.

22. On August 9, 2006, patient A.E.K. presented to discuss her pregnancy and medications. Respondent assessed A.E.K. with chronic pain and decreased the OxyContin dosage to 120 mg daily. There is no notation in the medical records but respondent was aware that A.E.K. had been told by her obstetrician/gynecologist to not take OxyContin while pregnant and that he had enrolled A.E.K. in a methadone program.

23. On September 20, 2006, Respondent noted that patient A.E.K. continued to take 140 mg daily of OxyContin and did not wish to decrease the dosage to 120 mg daily. Patient A.E.K. complained of back pain and was given a refill prescription for OxyContin and also Xanax for "her anxiety and panic postpartum."

24. On December 6, 2006, patient A.E.K. presented again to Respondent and was diagnosed with chronic pain syndrome with a plan to decrease the OxyContin dosage to 40 mg t.i.d. However, on January 3, 2007, Respondent increased the OxyContin dosage to 100 mg daily and diagnosed patient A.E.K. with lumbago. Missing from the patient's chart is any subjective or objective documentation about patient A.E.K.'s back pain.

25. Patient A.E.K. also visited Respondent on January 31, 2007, and February 27, 2007. Again, missing from the patient's chart is any subjective or objective documentation about patient A.E.K.'s back pain.

26. On April 24, 2007, patient A.E.K. was again diagnosed with chronic pain. Respondent's plan was to decrease the OxyContin dosage to 80 mg daily.

27. On November 1, 2007, Respondent's plan included a decrease in the OxyContin dosage to 40 mg daily.

28. Pharmacy records reflect that patient A.E.K. received OxyContin almost monthly. Respondent did not offer and/or require that A.E.K. sign a written pain contract. Respondent discussed with A.E.K. filling the prescriptions at Safeway because she knew the pharmacist and that he had extensive pain training. A.E.K. paid cash for the OxyContin prescriptions

29. Respondent's treatment of patient A.K.'s addiction to OxyContin by transitioning the intranasal use to the oral use of OxyContin constitutes a negligent act within the meaning of section 2234, subdivision (c).

30. Respondent's continued prescriptions of Tegretol to patient A.K. without appropriate monitoring constitutes a negligent act within the meaning of section 2234, subdivision (c).

31. Respondent's treatment of patient A.E.K. for both addiction to OxyContin and chronic pain constitutes a negligent act within the meaning of section 2234, subdivision (c).

32. Respondent's treatment of patient A.E.K.'s addiction to OxyContin by transitioning the intranasal use to the oral use of OxyContin constitutes a negligent act within the meaning of section 2234, subdivision (c).

33. Respondent's inadequate documentation of patient A.E.K.'s medical history and physical exam as it pertained to complaints of chronic pain constitutes a negligent act within the meaning of section 2234, subdivision (c).

34. Respondent's failure to communicate directly with patient A.E.K.'s obstetrician when she continued to prescribe OxyContin constitutes a negligent act within the meaning of section 2234, subdivision (c).

SECOND CAUSE FOR DISCIPLINE
(Failure to Maintain Adequate Medical Records)
[Bus. & Prof. Code, § 2266]

35. Respondent is subject to disciplinary action under section 2266 in that she failed to maintain adequate medical records for patient A.E.K. The circumstances are as follows:

36. Complainant realleges paragraphs 8 through 34 above, as if fully set forth at this point.

37. Respondent's failure to maintain adequate medical records for patient A.E.K. constitutes unprofessional conduct within the meaning of 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 Number A 72295, issued to Jennifer Hopper, M.D.

2. Revoking, suspending or denying approval of Jennifer Hopper, M.D.'s authority to supervise physician assistants pursuant to section 3527 of the Code;

3. Ordering Jennifer Hopper, M.D. to pay the Board, if placed on probation, the costs of probation monitoring; and;

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

DATED: April 27, 2009

BARBARA JOHNSTON
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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