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

In the Matter of the Accusation Against:	)	
Melissa K. Rankin, M.D.	)	**Case No. 800-2016-023410**
Physician's and Surgeon's Certificate No. A 68982	)	
Respondent	)	

DECISION

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

This Decision shall become effective at 5:00 p.m. on March 17, 2020.

IT IS SO ORDERED March 10, 2020.

MEDICAL BOARD OF CALIFORNIA

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

XAVIER BECERRA
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General
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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: **MELISSA K. RANKIN, M.D.** **3001 Bridgeway, Suite K231** **Sausalito, CA 94965** **Physician's and Surgeon's Certificate No. A 68982** Respondent.	Case No. 800-2016-023410 OAH No. 2019110427 **STIPULATED SURRENDER OF LICENSE AND ORDER**

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

PARTIES

1. Christine J. Lally (Complainant) is the Interim Executive Director of the Medical Board of California (Board). She brought this action solely in her official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, via Joshua M. Templet, Deputy Attorney General.

2. Melissa K. Rankin, M.D. (Respondent) is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

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3. On or about June 24, 1999, the Board issued Physician's and Surgeon's Certificate No. A 68982 to Melissa K. Rankin, M.D. (Respondent). The certificate expired on April 30, 2017 and has not been renewed.

JURISDICTION

4. Accusation No. 800-2016-023410 (Accusation) was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent, on August 26, 2019. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of the Accusation is attached as **Exhibit A** and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read and understands the charges and allegations in the Accusation. Respondent also has carefully read and understands the effects of this Stipulated Surrender of License and Order.

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

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

CULPABILITY

8. Respondent understands that the charges and allegations in the Accusation, if proven at a hearing, constitute cause for imposing discipline on her Physician's and Surgeon's Certificate.

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation and that those charges constitute cause for discipline.

Respondent hereby gives up her right to contest that cause for discipline exists based on those charges.

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

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 surrender without notice to or participation by Respondent. 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 Surrender 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 Surrender of License and Order, including 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 Order:

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 68982, issued to Respondent Melissa K. Rankin, M.D., is surrendered and accepted by the Board.

1. Respondent shall lose all rights and privileges as a physician and surgeon in California as of the effective date of the Board's Decision and Order.

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

3. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations, and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in the Accusation shall be deemed to be true, correct, and admitted by Respondent when the Board determines whether to grant or deny the petition.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 1/24/20

MELISSA K. RANKIN, M.D.
Respondent

ENDORSEMENT

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

DATED: 1/31/2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General

JOSHUA M. TEMPLET
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2016-023410

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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO AUGUST 26 20 19
BY ANDREA CEREMIA ANALYST

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

In the Matter of the Accusation Against: **Melissa K. Rankin, M.D.** **3001 Bridgeway, Suite K231** **Sausalito, CA 94965** **Physician's and Surgeon's Certificate No. A 68982,** Respondent.	Case No. 800-2016-023410 **ACCUSATION**

PARTIES

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

2. On or about June 24, 1999, the Medical Board issued Physician's and Surgeon's Certificate Number A 68982 to Melissa K. Rankin, M.D. (Respondent). The Physician's and Surgeon's Certificate expired on April 30, 2017 and has not been renewed.

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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2004 of the Code provides that the Board shall have the responsibility for the enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

5. Section 2227 of the Code authorizes the Board to take action against a licensee who has been found guilty under the Medical Practice Act by revoking his or her license, suspending the license for a period not to exceed one year, placing the license on probation and requiring payment of costs of probation monitoring, or taking such other action as the Board deems proper.

STATUTORY PROVISIONS

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

> The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:
>
> (a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

7. Section 2236 of the Code states:

> (a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
>
> . . . .
>
> (d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section and Section 2236.1. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

8. Section 2239 of the Code states:

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

constitutes unprofessional conduct. The record of the conviction is conclusive evidence of such unprofessional conduct.

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

REGULATORY PROVISIONS

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

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

FACTUAL ALLEGATIONS

10. Respondent was arrested on April 5, 2016 for driving under the influence of alcohol. Law enforcement officers responded to a report at 9:03 p.m. that evening of a traffic collision in Marin County, where they observed that Respondent had crashed her car into another car parked on the shoulder of State Route 1. A witness reported that Respondent had been weaving into the oncoming lane of traffic before the collision.

11. Respondent demonstrated objective signs of alcohol intoxication, and preliminary alcohol screenings at 9:43 p.m. and 9:48 p.m. showed Respondent's blood alcohol content to have been 0.205% and 0.210%, respectively. Further testing at 11:01 p.m. and 11:03 p.m. showed her blood alcohol content to have been 0.18%. The police arrested Respondent for driving under the influence of alcohol.

12. On April 11, 2016, the Marin County District Attorney's Office filed a complaint charging Respondent with having violated Vehicle Code, sections 23152(a) (driving while under

the influence of alcohol) and 23152(b) (driving with a blood alcohol content greater than 0.08%). The complaint further alleged that Respondent had been previously convicted of violating Vehicle Code, section 23152(b), on October 5, 2009, in Marin Superior Court Case Number CR165682A.

13. On June 29, 2017, following a jury trial, Respondent was convicted of both counts: violating Vehicle Code, sections 23152(a) and 23152(b). Based on these convictions and her prior October 5, 2009 conviction, the court sentenced Respondent to three years of court probation and 45 days of jail.

14. On or about October 15, 2009, in a prior criminal proceeding entitled *The People of the State of California v. Melissa Katherine Rankin in Marin Superior Court*, Marin County Superior Court Case Number CR165682A, Respondent was convicted of violating Vehicle Code, section 23152(b) (driving with a blood alcohol content greater than 0.08%), a misdemeanor. As a result, the court sentenced Respondent to three years of probation.

CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Criminal Convictions Involving Use of Alcohol)

15. Respondent's June 29, 2017 criminal convictions for violating Vehicle Code, sections 23152(a) (driving while under the influence of alcohol) and 23152(b) (driving with a blood alcohol content greater than 0.08%) constitute violations of Code section 2236 (criminal conviction) and section 2234 (unprofessional conduct).

16. In addition, Respondent's October 15, 2009 criminal conviction for violating Vehicle Code, section 23152(b) (driving with a blood alcohol content greater than 0.08%) and her June 29, 2017 criminal convictions, each of which involved the use of alcohol, constitute unprofessional conduct within the meaning of Code Section 2239 (dangerous use of alcohol). Each of Respondent's convictions is substantially related to the qualifications, functions, and duties of a physician and surgeon.

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PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 68982, issued to Melissa K. Rankin, M.D.;

2. Revoking, suspending or denying approval of Melissa K. Rankin, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Melissa K. Rankin, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: August 26, 2019

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

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