

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

**In the Matter of the First Amended
Accusation Against:**

Joshua Todd Schechtel, M.D.

**Physician's and Surgeon's
Certificate No. G 66905**

Case No. 800-2017-029555

Respondent.

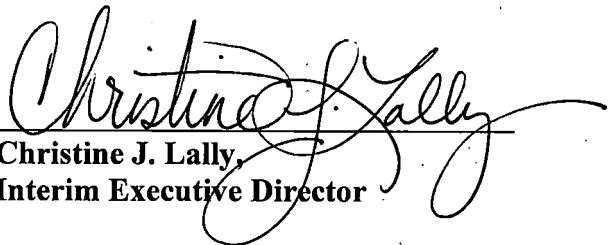
DECISION

**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 MAY 27 2020.

IT IS SO ORDERED MAY 20 2020.

MEDICAL BOARD OF CALIFORNIA

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

1 XAVIER BECERRA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
3 GREG W. CHAMBERS
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4 State Bar No. 237509
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Attorneys for Complainant
7

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the First Amended Accusation
Against:

13 **JOSHUA TODD SCHECHTEL, M.D.**
14 **391 Missouri St.**
San Francisco CA 94107-2819

15 **Physician's and Surgeon's Certificate No. G**
16 **66905**

17 Respondent.

Case No. 800-2017-029555

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

18
19 In the interest of a prompt and speedy settlement of this matter, consistent with the public
20 interest and the responsibility of the Medical Board of California of the Department of Consumer
21 Affairs, the parties hereby agree to the following Stipulated Surrender and Disciplinary Order
22 which will be submitted to the Board for approval and adoption as the final disposition of the
23 First Amended Accusation.

24 **PARTIES**

25 1. Christine J. Lally (Complainant) is the Interim Executive Director of the Medical
26 Board of California (Board). She brought this action solely in her official capacity and is
27 represented in this matter by Xavier Becerra, Attorney General of the State of California, by Greg
28 W. Chambers, Deputy Attorney General.

2. Joshua Todd Schechtel, M.D. (Respondent) is represented in this proceeding by attorney Robert F. Hahn, whose address is: 2550 Ninth Street, Suite 101, Berkeley, California 94710.

3. On or about September 5, 1989, the Board issued Physician's and Surgeon's Certificate No. G 66905 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in First Amended Accusation No. 800-2017-029555 and will expire on November 30, 2020, unless renewed.

JURISDICTION

4. Accusation No. 800-2017-029555 was filed before the Board. The Accusation and all other statutorily required documents were properly served on Respondent on November 26, 2019. Respondent timely filed his Notice of Defense contesting the Accusation. On May 1, 2020, First Amended Accusation No. 800-2017-029555 was filed before the Board and properly serviced with other statutorily required documents. A copy of First Amended Accusation No. 800-2017-029555 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Accusation No. 800-2017-029555. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

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

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

1 **CULPABILITY**

2 8. Respondent understands that the charges and allegations in First Amended
3 Accusation No. 800-2017-029555, if proven at a hearing, constitute cause for imposing discipline
4 upon his Physician's and Surgeon's Certificate.

5 9. For the purpose of resolving the First Amended Accusation without the expense and
6 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could
7 establish a factual basis for the charges in the First Amended Accusation and that those charges
8 constitute cause for discipline. Respondent hereby gives up his right to contest that cause for
9 discipline exists based on those charges.

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

13 **CONTINGENCY**

14 11. This stipulation shall be subject to approval by the Board. Respondent understands
15 and agrees that counsel for Complainant and the staff of the Board may communicate directly
16 with the Board regarding this stipulation and surrender, without notice to or participation by
17 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he
18 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board
19 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
20 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
21 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
22 be disqualified from further action by having considered this matter.

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

26 13. In consideration of the foregoing admissions and stipulations, the parties agree that
27 the Board may, without further notice or formal proceeding, issue and enter the following Order:
28

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 66905, issued to Respondent Joshua Todd Schechtel, M.D., is surrendered and accepted by the Board.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

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

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

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in First Amended Accusation No. 800-2017-029555 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in First Amended Accusation, No. 800-2017-029555 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney Robert F. Hahn. 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: 5/5/20


JOSHUA TODD SCHECHTEL, M.D.
Respondent

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

DATED: 05/05/20


ROBERT F. HAHN
Attorney for 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: _____

Respectfully submitted,

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

GREG W. CHAMBERS
Deputy Attorney General
Attorneys for Complainant

1 ACCEPTANCE

2 I have carefully read the above Stipulated Surrender of License and Order and have fully
3 discussed it with my attorney Robert F. Hahn. I understand the stipulation and the effect it will
4 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of
5 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
6 Decision and Order of the Medical Board of California.

7
8 DATED: _____

JOSHUA TODD SCHECHTEL, M.D.
Respondent

10
11 I have read and fully discussed with Respondent Joshua Todd Schechtel, M.D. the terms
12 and conditions and other matters contained in this Stipulated Surrender of License and Order. I
13 approve its form and content.

14 DATED: _____

ROBERT F. HAHN
Attorney for Respondent

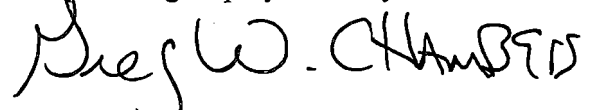
16
17 ENDORSEMENT

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

20 DATED: 5/8/2020

Respectfully submitted,

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

24 

25 GREG W. CHAMBERS
26 Deputy Attorney General
Attorneys for Complainant

Exhibit A

First Amended Accusation No. 800-2017-029555

1 XAVIER BECERRA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
3 GREG W. CHAMBERS
Deputy Attorney General
4 State Bar No. 237509
455 Golden Gate Avenue, Suite 11000
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8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the First Amended Accusation
Against:

Case No. 800-2017-029555

FIRST AMENDED ACCUSATION

13 **Joshua Todd Schechtel, M.D.**
14 **391 Missouri St.**
San Francisco CA 94107-2819

15 **Physician's and Surgeon's Certificate**
16 **No. G 66905,**

17 Respondent.

18
19 **PARTIES**

20 1. Christine J. Lally (Complainant) brings this First Amended Accusation solely in her
21 official capacity as the Interim Executive Director of the Medical Board of California,
22 Department of Consumer Affairs (Board).

23 2. On or about September 5, 1989, the Medical Board issued Physician's and Surgeon's
24 Certificate Number G 66905 to Joshua Todd Schechtel, M.D. (Respondent). The Physician's and
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
26 herein and will expire on November 30, 2020, unless renewed.

27 ///

28 ///

JURISDICTION

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

4. Section 2227 of the Code 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 Board deems proper.

5. 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.

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

2 (g) The failure by a certificate holder, in the absence of good cause, to attend and
3 participate in an interview by the board. This subdivision shall only apply to a certificate holder
4 who is the subject of an investigation by the board.

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

8 **FIRST CAUSE FOR DISCIPLINE**

9 (Unprofessional Conduct: Gross Negligence, and/or Repeated Negligent Acts; and/or Failure to
Maintain Accurate and Adequate Medical Records for Pt. 1)¹

10 7. Respondent is subject to disciplinary action under sections 2234 [unprofessional
11 conduct]; and/or 2234(b) [gross negligence]; and/or 2234(c) [repeated negligent acts]; and/or
12 2266 [failure to keep accurate and adequate medical records] based on his care and treatment of
13 Pt. 1. The circumstances are as follows:

14 8. On or about September 16, 2016, a male infant, Pt. 1, was born following induction
15 due to maternal preeclampsia. His mother's status for Group B Streptococcus ("GBS") was
16 unknown. On September 17, 2016, Pt. 1 was admitted to the Newborn Intensive Care Unit
17 ("NICU") for hypoglycemia. On September 18, 2016, Pt. 1 was discharged from the hospital.

18 9. On September 19, 2016, Pt. 1 was brought to the emergency room, then readmitted to
19 the NICU with low body weight, low body temperature, jaundice, and a blood sugar level of 22
20 mg/dL. Prior to the NICU admission, Pt. 1 was observed to be "jittery" and "cool to
21 touch/acrocyanosis." Additionally, Pt. 1 had a history of inconsistent nursing and low maternal
22 milk supply, and the medical records noted that Pt. 1 was not interested in nursing.

23 10. Respondent allowed Pt. 1 to nurse for ten minutes before treating hypoglycemia and
24 jitteriness with a formula feeding, even though hypoglycemia is a medical problem that requires
25 immediate attention.

26
27 ¹ In order to protect the patients' privacy, the patients are hereto identified in the
28 Accusation as follows: "Pt. 1"; "Pt. 2"; and "Pt. 3." Respondent may learn the identity of the
patients during discovery.

1 11. Respondent failed to investigate whether Pt. 1 had sepsis, even though (1) the hospital
2 normally routinely conducts sepsis workups on babies admitted for jaundice, and (2) poor feeding
3 and temperature instability are red flags that normally direct a physician to perform a review for
4 early-onset neonatal sepsis.

5 12. After examining Pt. 1, Respondent documented that Pt. 1 appeared to have jaundice,
6 but Respondent failed to note in the medical records whether he observed symptoms of
7 hypoglycemia and/or sepsis, as others had noted after their previous examinations of Pt. 1.

8 **SECOND CAUSE FOR DISCIPLINE**

9 (Unprofessional Conduct: Gross Negligence; and/or Failure to Maintain Accurate and Adequate
10 Medical Records for Pt. 2 and Pt. 3)

11 13. Respondent is subject to disciplinary action under sections 2234 [unprofessional
12 conduct]; and/or 2234(b) [gross negligence]; and/or 2266 [failure to keep accurate and adequate
13 medical records] based on his care and treatment of Pt. 2 and Pt. 3. The circumstances are as
14 follows:

15 14. On or about August 26, 2016, Pt. 2 and Pt. 3, twins, were born and then admitted to
16 the NICU for management of prematurity.

17 15. On August 26, 2016, Respondent ordered a complete blood count ("CBC") for Pt. 2
18 and Pt. 3, then never followed up or acted on the results. No sepsis work-up was ordered, no
19 antibiotics were requested, and there was no documentation that antibiotic stewardship was ever
20 considered.

21 16. The platelet count, included in the CBC, is important in premature infants who are at
22 risk for intracranial hemorrhage. Pt. 2 and Pt. 3 each had a Grade 1 hemorrhage. Additionally,
23 the hemoglobin and hematocrit ("Hgb/Hct") counts for Pt. 2, included in the CBC, were elevated
24 and should have been followed by Respondent.

25 17. Respondent failed to provide sufficient detail in the history and physical section of
26 the medical records to provide adequate continuity of care, as identified as follows:

27 A. Respondent incorrectly documented the time of the rupture of membrane
28 ("ROM") for Pt. 2. This information is important when evaluating a preterm infant for sepsis.

1 B. Respondent failed to document whether he planned to rely on the CBC to
2 decide on whether to obtain a blood culture and initiate empiric antibiotic therapy.

3 C. Within the section identified as HEME/ID, Respondent writes in pertinent part,
4 "No set up for sepsis in maternal history or exam," but fails to state the rationale for this decision.

5 D. Respondent did not document the differences between the twins, even though
6 twins can have significant differences that are of clinical importance.

7 18. Respondent's August 27, 2016, progress notes for Pt. 2 and Pt. 3 are missing the
8 HEME/ID section, which should have contained the rationale for not initiating a set up for sepsis,
9 including any CBC results that may have been reviewed.

10 19. Respondent's August 28, 2016, progress notes for Pt. 2 are missing the HEME/ID
11 section. The August 28, 2016, progress notes for Pt. 3 have a HEME/ID section that states, "will
12 check bili in AM."

13 **PRAYER**

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

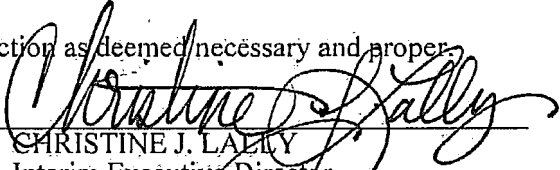
16 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 66905,
17 issued to Joshua Todd Schechtel, M.D.;

18 2. Revoking, suspending or denying approval of Joshua Todd Schechtel, M.D.'s
19 authority to supervise physician assistants and advanced practice nurses;

20 3. Ordering Joshua Todd Schechtel, M.D., if placed on probation, to pay the Board the
21 costs of probation monitoring; and

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

23 DATED: MAY 01 2020

24 
CHRISTINE J. LALLY
Interim Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant