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

In the Matter of the Statement of Issues Against:	)	
Richard Curtis Mauer, M.D.	)	**Case No. 800-2019-055464**
Respondent	)	

DECISION

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

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

IT IS SO ORDERED February 13, 2020.

MEDICAL BOARD OF CALIFORNIA

By: Kristina Lawson

Kristina D. Lawson, J.D., Chair
Panel B

XAVIER BECERRA
Attorney General of California
JUDITH T. ALVARADO
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 Statement of Issues Against: **RICHARD CURTIS MAUER** **4630 Whispering Pines Circle** **Cedar Falls, IA 50613,** Applicant.	Case No. 800-2019-055464 OAH No. 2019080831 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

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

PARTIES

1. Christine J. Lally (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, by Brian Roberts, Deputy Attorney General.

2. Applicant Richard Curtis Mauer (Applicant) is represented in this proceeding by attorney Seth A. Weinstein, Esq., whose address is: 15260 Ventura Blvd. Suite 1200, Sherman Oaks, CA 91403.

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3. On or about March 4, 2019, Applicant filed an application dated January 28, 2019, with the Board to obtain a Physician's and Surgeon's Certificate.

JURISDICTION

4. Statement of Issues No. 800-2019-055464 was filed before the Board, and is currently pending against Applicant. The Statement of Issues and all other statutorily required documents were properly served on Applicant on August 1, 2019.

5. A copy of Statement of Issues No. 800-2019-055464 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Applicant has carefully read, fully discussed with counsel, and understands the charges and allegations in Statement of Issues No. 800-2019-055464. Applicant has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Applicant is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; 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.

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

CULPABILITY

9. Applicant understands and agrees that the charges and allegations in Statement of Issues No. 800-2019-055464, if proven at a hearing, constitute cause for denying him a Physician's and Surgeon's Certificate.

10. For the purpose of resolving the Statement of Issues without the expense and uncertainty of further proceedings, Applicant agrees that, at a hearing, Complainant could

establish a factual basis for the charges in the Statement of Issues, and that Applicant hereby gives up his right to contest those charges.

11. Applicant agrees that his Physician's and Surgeon's Certificate is subject to denial and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

12. This stipulation shall be subject to approval by the Medical Board of California. Applicant 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 Applicant or his counsel. By signing the stipulation, Applicant understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

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

14. 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

IT IS HEREBY ORDERED that a Physician's and Surgeon's Certificate will be issued to Applicant Richard Curtis Mauer.

A. PUBLIC REPRIMAND

IT IS FURTHER ORDERED THAT the Physician and Surgeon's Certificate issued to Applicant Richard Curtis Mauer, M.D., is publicly reprimanded pursuant to California Business

and Professions Code section 2227, subdivision (a), subparagraph (4). This Public Reprimand, which is issued in connection with Statement of Issues No. 800-2019-055464, is as follows:

"On January 28, 2019, you submitted an application to the Board for licensure as a physician and surgeon. On your application you failed to disclose that on December 30, 2015, the Iowa Board of Medicine issued you a Letter of Warning for concerns regarding the diagnosis and treatment of a patient."

IT IS FURTHER ORDERED THAT:

B. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of the effective date of this Decision, Applicant shall enroll in a professionalism program, that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1. Applicant shall participate in and successfully complete that program. Applicant shall provide any information and documents that the program may deem pertinent. Applicant shall successfully complete the classroom component of the program not later than six (6) months after Applicant'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 Applicant'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 Statement of Issues, 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.

Applicant 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.

Failure to successfully complete the Professionalism Program outlined above shall constitute unprofessional conduct and is grounds for further disciplinary action.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Seth A. Weinstein, 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: 1/7/2020 Richard Curtis Mauer

RICHARD CURTIS MAUER
Applicant

I have read and fully discussed with Applicant Richard Curtis Mauer the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 01-07-2020

SETH A. WEINSTEIN, ESQ.
Attorney for Applicant

ENDORSEMENT

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

DATED: _____

Respectfully submitted,

XAVIER BECERRA
Attorney General of California

JUDITH T. ALVARADO
Supervising Deputy Attorney General
Attorneys for Complainant

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Seth A. Weinstein, 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: _____ _____

RICHARD CURTIS MAUER
Applicant

I have read and fully discussed with Applicant Richard Curtis Mauer the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____ _____

SETH A. WEINSTEIN, ESQ.
Attorney for Applicant

ENDORSEMENT

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

DATED: 1/8/2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California

JUDITH T. ALVARADO
Supervising Deputy Attorney General
Attorneys for Complainant

LA2019502643

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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO August 1 2019
BY K. Voong ANALYST

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

In the Matter of the Statement of Issues Against: **RICHARD CURTIS MAUER,** Applicant.	Case No. 800-2019-055464 **STATEMENT OF ISSUES**

Complainant alleges:

PARTIES

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

2. On or about March 4, 2019, the Medical Board of California, Department of Consumer Affairs received an application for a Physician's and Surgeon's Certificate from Richard Curtis Mauer (Applicant). On or about January 28, 2019, Applicant certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. The Board denied Applicant's application for a California Physician's and Surgeon's certificate. On June 11, 2019, Applicant requested a hearing.

JURISDICTION

This Statement of Issues is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

3. 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:

"...

"(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."

"...."

4. Section 480 of the Code states:

"(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

"(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken 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 the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

"(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

"(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

"(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

"(b) Notwithstanding any other provision of this code, a person shall not be denied a

license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

"(c) Notwithstanding any other provisions of this code, a person shall not be denied a license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal.

"(d) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license."

STATEMENT OF FACTS

5. On March 4, 2019, the Board received an application for licensure as a physician and surgeon from Applicant. The application, dated January 28, 2019, bears Applicant's signature immediately following a bold print, all upper-case acknowledgement that Applicant understands that any falsification or misrepresentation of any response on the application is a sufficient basis for denying a license.

6. On his application, Applicant failed to disclose that on December 30, 2015, the Iowa Board of Medicine issued Applicant a Letter of Warning for concerns regarding the diagnosis and treatment of a patient. In the section of his application pertaining specifically to Disciplinary History, Applicant was asked: "Have you ever had any license to practice medicine subjected to any action including, but not limited to, informal or confidential discipline, consent orders, letters of warning, letters of reprimand, or citations?" Applicant answered "No."

7. On March 3, 2019, the Board received a license verification from the Iowa Board of Medicine regarding Applicant's license. There were no disciplinary actions reported.

8. On March 6, 2019, the Board received additional information from the Iowa Board of Medicine regarding Applicant's Iowa medical license. On December 30, 2015, the Iowa Board of Medicine issued Applicant a Letter of Warning for failing to provide appropriate ophthalmologic care to a patient. Specifically, the Letter of Warning stated that Applicant failed to perform a thorough vision test resulting in the delayed diagnosis and treatment of a tumor on the patient's pituitary gland. In addition, the Applicant failed to listen to the patient's concerns which resulted in unnecessary surgeries and caused a delay in improvement of the patient's vision.

FIRST CAUSE FOR DENIAL OF APPLICATION

(Dishonest Acts Substantially Related to Practice)

9. The allegations of paragraphs 5 through 8 above are incorporated by reference as if set out in full. Applicant's application is subject to denial under section 480, subdivisions (a)(2) and (a)(3)(A), and 2234, subdivision (e), of the Code. The circumstances are as follows: Applicant knowingly made false statements of material facts in his application for licensure to the Board, which were intended to substantially benefit himself. Such acts are substantially related to the qualifications, functions, or duties of a physician and surgeon and would constitute unprofessional conduct and grounds for suspension or revocation, if committed by a California licensed physician and surgeon.

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. Denying the application of Richard Curtis Mauer for a Physician's and Surgeon's Certificate;

2. If issued a probationary license, ordering Applicant to pay the Medical Board of California the costs of probation monitoring; and,

3. If placed on probation, revoking, suspending or denying approval of the Applicant's authority to supervise physician assistants and advanced practice nurses; and,

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///

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

DATED: August 1, 2019

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

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