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

In the Matter of the Accusation Against: Lisa Rachel Halpern, M.D. Physician's and Surgeon's Certificate No. G 143918 Respondent.	Case No. 800-2019-057424

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 SEP 11 2020.

IT IS SO ORDERED AUG 14 2020.

MEDICAL BOARD OF CALIFORNIA

William Prasifka
Executive Director

XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General
HAMSA M. MURTHY
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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: **LISA RACHEL HALPERN, M.D.** **11550 Old Georgetown Road, Apt 628** **Rockville, MD 20852** **Physician's and Surgeon's Certificate No. G 143918** Respondent.	Case No. 800-2019-057424 **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. William Prasifka (Complainant) is the Executive Director of the Medical Board of California (Board). He brought this action solely in his official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Hamsa M. Murthy, Deputy Attorney General .

2. Lisa Rachel Halpern, M.D. (Respondent) is represented in this proceeding by attorney James R. Rogers, whose address is: 11230 Sorrento Valley Road, Suite 105 San Diego, CA 92121-1335.

3. On or about July 19, 2016, the Board issued Physician's and Surgeon's Certificate No. G 143918 to Lisa Rachel Halpern, M.D. (Respondent). The Physician's and Surgeon's Certificate expired on March 31, 2018, and it has not been renewed.

JURISDICTION

4. Accusation No. 800-2019-057424 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 March 17, 2020. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2019-057424 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2019-057424. 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 her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against 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 Accusation No. 800-2019-057424, if proven at a hearing, constitute cause for imposing discipline upon 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 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 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. G 143918, issued to Respondent Lisa Rachel Halpern, 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 her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, James R. Rogers. 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: July 2, 2020

Lisa R. Halpern

LISA RACHEL HALPERN, M.D.
Respondent

I have read and fully discussed with Respondent Lisa Rachel Halpern, 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: 7/3/20

JAMES R. ROGERS
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: July 9, 2020

Respectfully submitted,

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

HAMSA M. MURTHY
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 800-2019-057424

XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General
HAMSA M. MURTHY
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: **Lisa Rachel Halpern, M.D.** **11550 Old Georgetown Road, Apt. 628** **Rockville, MD 20852** **Physician's and Surgeon's Certificate No. G 143918,** Respondent.	Case No. 800-2019-057424 **A C C U S A T I O N**

PARTIES

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

2. On or about July 19, 2016, the Medical Board issued Physician's and Surgeon's Certificate Number G 143918 to Lisa Rachel Halpern, M.D. (Respondent). The Physician's and Surgeon's Certificate expired on March 31, 2018, and it has not been renewed.

JURISDICTION

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

4. Section 2227 of the Code 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 provides that the Board shall take action against any licensee who is charged with "unprofessional conduct," which includes but is not limited to, "[v]iolating . . . any provision of this chapter."

6. Section 2305 of the Code provides, in pertinent part, that the revocation, suspension, or other discipline, restriction, or limitation imposed by another state upon a license to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California, shall constitute grounds for disciplinary action for unprofessional conduct.

7. Section 141 of the Code provides:

> (a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.
>
> (b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country.

FIRST CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation of Imposed by Another State)

8. On June 24, 2019, the Maryland State Board of Physicians (Maryland Board) entered a Consent Order (Order), attached herewith as Exhibit A, regarding Respondent's license to practice medicine in Maryland. In the Order, the Maryland Board found that Respondent failed to meet appropriate standards for the delivery of quality care. The Maryland Board also found that Respondent failed to keep adequate medical records. Accordingly, the Maryland Board reprimanded the Respondent, and it further ordered that the Respondent be placed on probation for a minimum period of one year, with terms and conditions. (Exhibit A at pp. 5-8.)

9. Respondent's foregoing conduct and the actions of the Maryland Board, as set forth in paragraph 8, above, and Exhibit A, attached, constitute cause for discipline, pursuant to section 2234 and/or section 2305 and/or section 141, subdivision (a) of the Code.

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 G 143918, issued to Lisa Rachel Halpern, M.D.;

2. Revoking, suspending or denying approval of Lisa Rachel Halpern, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Lisa Rachel Halpern, 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: MAR 17 2020

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

EXHIBIT A

Maryland State Board of Physicians Consent Order

IN THE MATTER OF	*	BEFORE THE
LISA R. HALPERN, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D45639	*	Case Number: 2217-0082A

* * * *

FINDINGS OF FACT

Panel A finds:

BACKGROUND

1. At all times relevant to these charges, the Respondent was licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice medicine in the State of Maryland on or about February 1, 1994. Her license is current through September 30, 2020.

2. The Respondent is board-certified in psychiatry and neurology and specializes in psychopharmacology. The Respondent is also actively licensed to practice medicine in Florida. In 2018, she allowed her medical license to lapse in California.

3. At all times relevant, the Respondent worked as a solo practitioner in Frederick, Maryland.

4. On January 24, 2017, the Board received a complaint from Person A[1] alleging that the Respondent was "cold, rude, and belittling." The complaint further alleged that the Respondent only spends "two minutes" with patients prior to printing out the same prescription after each visit.

5. On or about January 30, 2017, the Board notified the Respondent that it had initiated a preliminary investigation of her practice based on the complaint received from Person A. A copy of the complaint was enclosed in the notification letter.

6. On or about February 21, 2017, the Respondent filed an initial written response with the Board.

[1] To maintain confidentiality, specific names of patients, the complainant, employees, and facilities will not be used in this document but are known to the Respondent.

7. On or about June 6, 2017, the Board notified the Respondent that based on its preliminary investigation, a full investigation was being opened into her medical practice.

8. The Board subsequently subpoenaed and received ten patient medical records from the Respondent, randomly selected by Board staff from a PDMP[2] report. The Respondent additionally provided care summaries for the ten patients.

9. The Board transmitted the patient records, care summaries and other relevant documents for a formal peer review which was conducted by two physicians board-certified in psychiatry and neurology (the "peer reviewers").

10. On or about January 10, 2018, the peer reviewers submitted reports to the Board, the results of which are set forth in pertinent part below.

11. On January 25, 2018, the Respondent filed a Supplemental Response with the Board after receiving copies of peer review reports. The Respondent acknowledged deficiencies in her documentation.

PATIENT-RELATED FINDINGS

Standard of Quality Care violations

12. The peer reviewers concurred that the Respondent failed to meet the standard of quality care for four patients (Patients 5, 7, 8, and 10) for reasons including but not limited to the following:

a. The Respondent prescribed medications without clear justification (Patient 5);

b. The Respondent failed to adequately establish an adequate history or evaluation to establish a diagnosis of Attention Deficit Disorder

[2] PDMP - Prescription Drug Monitoring Program.

("ADD") or Attention Deficit Hyperactivity Disorder ("ADHD") (Patients 7, 8, and 10);

c. The Respondent failed to document the medical decision-making and risk/benefit process to prescribe medication (Patients 7 and 8);

d. The Respondent failed to adequately determine a diagnosis during the initial evaluation or during other encounters (Patients 5, 7, 8, and 10);

e. The Respondent failed to adequately assess the patient's mental status (Patients 5, 7, 8, and 10); and

f. The Respondent failed to conduct regular safety assessments (Patients 7, 8, and 10).

13. The Respondent's care as outlined above in whole or in part is evidence of the Respondent's failure to meet the standard of quality medical care in violation of Health Occ. § 14-404(a)(22).

Inadequate documentation

14. The peer reviewers concurred that the Respondent's recordkeeping was inadequate for all 10 patient records reviewed (Patients 1-10) for reasons including but not limited to the following:

a. The Respondent failed to adequately document a diagnosis or an adequate history leading to a diagnosis at intake or during follow-up examinations (Patients 1, 2, 4, 5, 6, 7, 8, 9, and 10);

b. The Respondent failed to adequately document a treatment plan (Patients 1, 2, 4, 8, and 10);

c. The Respondent failed to adequately document her rationale for medication and/or other treatment decisions (Patients 1, 2, 5, 6, and 7);

d. The Respondent failed to adequately document the relative risks/benefit of medications prescribed (Patients 1, 6, 7, 9, and 10);

e. The Respondent failed to adequately document the objective examinations and assessments leading to diagnoses and/or changes of symptoms over time that formed the basis of her medical decision-making (Patients 2, 4, 5, 7, and 8);

f. The Respondent's documentation was inadequate for another clinician to assume the care of the patient by reading the notes, emails and recorded telephone calls (Patients 6, 7, 8, and 9);

g. The Respondent left pages of notes from Patient visits completely blank with no encounter information. (Patients 6 and 7); and

h. The Respondent failed to adequately document mental status examinations during visits (Patients 1 – 10).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel A concludes that the Respondent failed to meet appropriate standards for the delivery of quality medical care in violation of Health Occ. § 14-404(a)(22), and that the Respondent failed to keep adequate medical records in violation of Health Occ. § 14-404(a)(40).

ORDER

It is, on the affirmative vote of a majority of the quorum of Disciplinary Panel A, hereby:

ORDERED that the Respondent is **REPRIMANDED**; and it is further

ORDERED that the Respondent is placed on **PROBATION** for a minimum period of **ONE YEAR.**[3] During probation, the Respondent shall comply with the following terms and conditions:

1. The Respondent is required to take a comprehensive course in psychopharmacology, which shall include, but not necessarily be limited to the prescribing of stimulants. The following terms apply:

   (a) it is the Respondent's responsibility to locate, enroll in, and obtain the disciplinary panel's approval of the course before the course is begun;

   (b) the disciplinary panel will not accept a course taken over the internet;

[3] If the Respondent's license expires while the Respondent is on probation, the probationary period and any probationary conditions will be tolled.

(c) the Respondent shall enroll in and successfully complete a panel-approved course within six months;

(d) the Respondent must provide documentation to the disciplinary panel that the Respondent has successfully completed the course;

(e) the course may not be used to fulfill the continuing medical education credits required for license renewal;

(f) the Respondent is responsible for the cost of the course.

2. The Respondent is required to take a comprehensive course in documentation. The following terms apply:

(a) it is the Respondent's responsibility to locate, enroll in and obtain the disciplinary panel's approval of the course before the course is begun;

(b) the disciplinary panel will not accept a course taken over the internet;

(c) the Respondent shall enroll in and successfully complete a panel-approved course within six months;

(d) the Respondent must provide documentation to the disciplinary panel that the Respondent has successfully completed the course;

(e) the course may not be used to fulfill the continuing medical education credits required for license renewal;

(f) the Respondent is responsible for the cost of the course.

3. The Respondent is subject to a chart and/or peer review conducted by the disciplinary panel or its agents as follows:

(a) the Respondent shall cooperate with the peer review process;

(b) the disciplinary panel in its discretion may change the focus of the peer review if the Respondent changes the nature of his or her practice;

(c) if the disciplinary panel, upon consideration of the peer review and the Respondent's response, if any, determines that the Respondent is meeting the standard of quality care in his or her practice, the disciplinary panel shall consider the peer review condition of the Consent Order met;

(d) a peer and/or chart review indicating that the Respondent has not met the standard of quality care and/or has failed to keep adequate medical records may be deemed, by a disciplinary panel, a violation of probation and/or a violation of Health Occ. § 14-404(a)(22) and/or (40); and it is further

ORDERED the Respondent shall not apply for early termination of probation; and it is further

ORDERED that after the Respondent has complied with all terms and conditions of probation and the minimum period of probation imposed by the Consent Order has passed the Respondent may submit a written petition for termination of probation. After consideration of the petition, the probation may be terminated through an order of the disciplinary panel. The Respondent may be required to appear before the disciplinary panel to discuss his or her petition for termination. The disciplinary panel may grant the petition to terminate the probation, through an order of the disciplinary panel if there are no pending complaints relating to the charges; and it is further

ORDERED that the Respondent shall comply with the Maryland Medical Practice Act, Md. Code Ann., Health Occ. §§ 14-101 – 14-702, and all federal and state laws and regulations governing the practice of medicine in Maryland; and it is further

ORDERED that a violation of probation constitutes a violation of the Consent Order; and it is further

ORDERED that if the Respondent allegedly fails to comply with any term or condition imposed by this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If there is a genuine dispute as to a material fact, the hearing shall be before an Administrative Law Judge of the Office of Administrative Hearings followed by an exceptions process before a disciplinary panel; and if there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before a disciplinary panel; and it is further

ORDERED that after the appropriate hearing, if the disciplinary panel determines that the Respondent has failed to comply with any term or condition imposed by this Consent Order, the disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice medicine in Maryland. The disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine on the Respondent; and it is further

ORDERED that the effective date of the Consent Order is the date the Consent Order is signed by the Executive Director of the Board or her designee. The Executive Director signs the Consent Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Consent Order; and it is further

ORDERED that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that his Consent Order is a public document. *See* Md. Code Ann., Health Occ. §§ 1-607, 14-411.1(b)(2), and Gen. Prov. § 4-333(b)(6).

06/24/2019
Date

Signature on File

Christine Farrelly
Executive Director
Maryland State Board of Physicians

I HEREBY ATTEST AND CERTIFY UNDER PENALTY OF PERJURY ON 07/16/2019 **THAT THE FORGOING DOCUMENT IS A FULL, TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE AND IN MY LEGAL CUSTODY.**

Christine A. Farrelly

EXECUTIVE DIRECTOR
MARYLAND BOARD OF PHYSICIANS

CONSENT

I, Lisa R. Halpern, M.D., acknowledge that I have had the opportunity to consult with counsel before signing this document.

By this Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the disciplinary panel will not entertain any request for amendments or modifications to any condition.

I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 14-405 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* concerning the pending charges. I waive these rights and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections as provided by law. I waive those procedural and substantive protections. I acknowledge the legal authority and the jurisdiction of the disciplinary panel to initiate these proceedings and to issue and enforce this Consent Order.

I voluntarily enter into and agree to comply with the terms and conditions set forth in the Consent Order as a resolution of the charges. I waive any right to contest the Findings of Fact and Conclusions of Law and Order set out in the Consent Order. I waive all rights to appeal this Consent Order.

I sign this Consent Order, without reservation, and fully understand the language and meaning of its terms.

6/18/19
Date

Signature on File

Lisa R. Halpern, M.D.
License Number: D45639

NOTARY

STATE OF Maryland

CITY / COUNTY OF Montgomery

I HEREBY CERTIFY that on this 18 day of June, 2019, before me, a Notary Public of the foregoing State and City / County, personally appeared Lisa R. Halpern, M.D., and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

Notary Public

My Commission expires:

STEVEN ISAAC BENDER
Notary Public-Maryland
Montgomery County
My Commission Expires
April 07, 2023