BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of the Petition for Interim Suspension Order

Against:

JOY HELENE SIEGRIST, M.D.

Physician's and Surgeon's Certificate No. A43340,

Respondent

Case No. 800-2019-061117

OAH No. 2020120611

DECISION AND ORDER

Adam L. Berg, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter telephonically on January 5, 2021.

Christine A. Rhee, Deputy Attorney General, Department of Justice, State of California, represented petitioner, William Prasifka, Executive Director, Medical Board of California, Department of Consumer Affairs, State of California.

There was no appearance by or on behalf of respondent Joy Helene Siegrist, M.D.

The matter was submitted on January 5, 2021.

FACTUAL FINDINGS

Background

1. On December 15, 1986, the board issued Physician's and Surgeon's Certificate No. A43340 to respondent. The certificate will expire on April 30, 2022, unless renewed.

2. Petitioner brought the Petition for Interim Suspension Order (Petition) in his official capacity as the board's Executive Director. The petition alleged that respondent's ability to practice is impaired and permitting respondent to continue to engage in the practice of medicine would endanger the public. On December 17, 2020, the Petition, related documents, and notice of hearing were served on respondent by certified mail, overnight delivery, and email.

3. On December 18, 2020, an amended notice of hearing with attached instructions about how to join the telephone conference were served on respondent by certified mail, overnight delivery, and email.

4. After 25 minutes following the scheduled start time of the hearing, respondent had not joined the telephone conference.

Petitioner's Evidence

5. In support of the Petition, petitioner submitted declarations from Jeffrey Vanderlaan and Markham Kirsten, M.D. The relevant portions of the declarations are summarized as follows:

6. Jeffrey Vanderlaan is an Investigator for the department's Division of Investigations, Health Quality Investigation Unit. On October 30, 2019, the board

received a complaint by respondent's former co-worker that she exhibited bizarre behavior while working at a Veterans Administration (VA) clinic in North Carolina. On February 6, 2020, Investigative Analyst David Patrick interviewed the complainant who stated there had been multiple complaints about respondent, respondent openly spoke to her patients and coworkers about her sexual encounters, and she exhibited other unusual behavior before resigning.

7. On May 19, 2020, Mr. Patrick spoke to respondent's former supervising physician, who reported that that he received multiple complaints about respondent's inappropriate attire, speech, and behavior. The supervisor observed respondent had mood swings that ranged from laughing to uncontrollable crying. The supervisor instructed respondent to take some time off, but she resigned.

8. Mr. Patrick then spoke to another former coworker of respondent, a psychologist, who reported that respondent's emotions were erratic, and the psychologist observed unprofessional conduct by respondent in 2018 when she cursed, shouted, and kicked a wall.

9. The investigation was assigned to Inv. Vanderlaan in July 2020. On September 9, 2020, Inv. Vanderlaan spoke to respondent by phone. Respondent said she had resigned from the VA in September 2019, and in August 2020, had been convicted in Virginia for eluding the police. While in custody, she was transported to a state hospital, where she was deemed competent to stand trial. She told Inv. Vanderlaan that she was not receiving mental health treatment but had been self-prescribing Prozac. Respondent agreed to submit to a medical examination.

10. After receiving consent from respondent, Inv. Vanderlaan received respondent's medical records from Eastern State Hospital, where she was treated for

bipolar disorder from October 17 to November 19, 2019. Inv. Vanderalaan forwarded the medical records to Markham Kirsten, M.D., who agreed to conduct a mental examination.

11. Dr. Kirsten has been licensed to practice medicine since 1978 and is board certified in psychiatry. He is currently a staff psychiatrist at Kaiser Permanente and is also a telehealth provider. Dr. Kirsten conducted a mental examination by videoconference on October 26, 2020. Before interviewing respondent, he reviewed the complaint submitted to the board, documentation from respondent's previous employer describing her unusual behavior, court records from respondent's criminal arrest in Virginia, and medical records documenting her hospitalization.

During the evaluation, Dr. Kirsten took respondent's pertinent background and psychiatric history. While respondent was alert and oriented during the interview, she was restless and not always rational. She exhibited delusional symptoms, claiming that a police officer was trying to kill her in Virginia. This was her rationale for speeding at approximately 115 miles per hour which led to her criminal prosecution in Virginia.

Dr. Kirsten noted that respondent's judgment was severely impaired during the interview. She failed to acknowledge the boundary violations she committed when allowing a patient to live on her boat and dine in her house while she was treating him. Respondent also insisted that she had to continue treating that patient even after she realized she had a prior sexual relationship with him. Respondent told Dr. Kirsten that she did not need psychiatric treatment, and could not find a psychiatrist that she could trust. Based on his education, training, and experience, Dr. Kirsten opined that respondent has bipolar disorder, presently hypomanic with a history of mania, and also narcissistic personality disorder. As an alternative differential diagnosis, Dr. Kirsten believed that respondent may have substance or medication-induced bipolar disorder

or a delusional disorder. With either of these diagnoses, Dr. Kirsten believed that respondent has a disabling mental illness that affects her ability to practice medicine safely. He further concluded that the co-occurrence of respondent's bipolar disorder or other diagnoses with narcissistic personality disorder prevents respondent from gaining any insight into the inappropriateness of her past behavior, and that because of this lack of insight and sound judgment, there are no terms or conditions in which respondent may safely practice medicine and treat patients.

LEGAL CONCLUSIONS

1. Government Code section 11529 provides:

> The administrative law judge of the Medical Quality Hearing Panel established pursuant to Section 11371 may issue an interim order suspending a license, imposing drug testing, continuing education, supervision of procedures, limitations on the authority to prescribe, furnish, administer, or dispense controlled substances, or other license restrictions. Interim orders may be issued only if the affidavits in support of the petition show that the licensee has engaged in, or is about to engage in, acts or omissions constituting a violation of the Medical Practice Act or the appropriate practice act governing each allied health profession, or is unable to practice safely due to a mental or physical condition, and that permitting the licensee to continue to engage in the profession for which the license was issued will endanger the public health, safety, or welfare. The

failure to comply with an order issued pursuant to Section 820 of the Business and Professions Code may constitute grounds to issue an interim suspension order under this section.

(b) All orders authorized by this section shall be issued only after a hearing conducted pursuant to subdivision (d), unless it appears from the facts shown by affidavit that serious injury would result to the public before the matter can be heard on notice. Except as provided in subdivision (c), the licensee shall receive at least 15 days' prior notice of the hearing, which notice shall include affidavits and all other information in support of the order.

[¶] . . . [¶]

(e) Consistent with the burden and standards of proof applicable to a preliminary injunction entered under Section 527 of the Code of Civil Procedure, the administrative law judge shall grant the interim order if, in the exercise of discretion, the administrative law judge concludes that:

(1) There is a reasonable probability that the petitioner will prevail in the underlying action.

(2) The likelihood of injury to the public in not issuing the order outweighs the likelihood of injury to the licensee in issuing the order.

(f) In all cases in which an interim order is issued, and an accusation or petition to revoke probation is not filed and served pursuant to Sections 11503 and 11505 within 30 days of the date on which the parties to the hearing on the interim order have submitted the matter, the order shall be dissolved.

Upon service of the accusation or petition to revoke probation the licensee shall have, in addition to the rights granted by this section, all of the rights and privileges available as specified in this chapter. If the licensee requests a hearing on the accusation, the board shall provide the licensee with a hearing within 30 days of the request, unless the licensee stipulates to a later hearing, and a decision within 15 days of the date the decision is received from the administrative law judge, or the board shall nullify the interim order previously issued, unless good cause can be shown by the Division of Medical Quality for a delay.

(g) If an interim order is issued, a written decision shall be prepared within 15 days of the hearing, by the administrative law judge, including findings of fact and a conclusion articulating the connection between the evidence produced at the hearing and the decision reached.

. . .

2. Business and Professions Code section 820 provides:

> Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822.

3. Business and Professions Code section 822 provides that if the board determines that a licensee's ability to practice his or her profession safely is impaired because of physical or mental illness affecting competency, the board may revoke or suspend the license, or place the licensee on probation.

Evaluation

4. An interim suspension order may be issued in the exercise of discretion if petitioner established there is a reasonable probability the board would prevail in the underlying action, and the likelihood of injury to the public in not issuing the order outweighs the likelihood of injury to the licensee in issuing the order. (Gov. Code, § 11529, subd. (e).)

5. A preponderance of the evidence established that respondent's ability to practice medicine is impaired because she is mentally ill, or physically ill affecting competency, and under Business and Professions Code section 822, subdivision (b).

Permitting respondent to continue to practice medicine would endanger the public health, safety, and welfare. To protect the public health, safety and welfare, respondent's license must be suspended until an accusation is filed and a decision is rendered.

ORDER

Physician's and Surgeon's Certificate No. A43340 issued to respondent Joy Helene Siegrist, M.D., is suspended. Pending further order or decision, respondent shall not practice medicine in the State of California.

During any period of interim suspension, starting with receipt of this Decision and Order, respondent shall surrender to the board or its agent, for safekeeping pending a final administrative order of the board in this matter, all indicia of her licensure as a physician under Business and Professions Code section 119, including her wall certificate and wallet card, all prescription forms, all prescription drugs not legally prescribed to respondent by her treating physician and surgeon, all Drug Enforcement Administration Drug Order forms, and all Drug Enforcement Administration permits.

DATE: January 11, 2021

Adam Berg (Jan 11, 2021 10:58 PST)

ADAM L. BERG

Administrative Law Judge

Office of Administrative Hearings