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

In the Matter of the Accusation Against: Cheryl Lea Northey, M.D. Physician's & Surgeon's Certificate No C50031 Respondent	Case No. 800-2017-034276

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 3, 2021.

IT IS SO ORDERED February 1, 2021.

MEDICAL BOARD OF CALIFORNIA

By: Kristina Lawson

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

XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
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: **CHERYL LEA NORTHEY, M.D.** **101 Las Colinas Drive** **Corralitos, CA 95076-0247** **Physician's and Surgeon's Certificate No. C 50031** Respondent.	Case No. 800-2017-034276 **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. 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 Mary Cain-Simon, Supervising Deputy Attorney General.

2. Respondent Cheryl Lea Northey, M.D. (Respondent) is represented in this proceeding by attorney Thomas Still, of Hinshaw, Marsh, Still & Hinshaw, whose address is: 12901 Saratoga Avenue, Saratoga, California 95070-4110.

3. On January 17, 1997, the Board issued Physician's and Surgeon's Certificate No. C 50031 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2017-034276, and will expire on May 31, 2022, unless renewed.

JURISDICTION

4. Accusation No. 800-2017-034276 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 December 18, 2019. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2017-034276 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2017-034276. Respondent has also carefully read, fully discussed with her counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. 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.

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

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2017-034276, if proven at a hearing, constitute cause for imposing discipline upon her Physician's and Surgeon's Certificate.

10. Respondent agrees that her Physician's and Surgeon's Certificate is subject to discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Medical Board of California. Respondent 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 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 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.

12. 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.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or opportunity to be heard by the Respondent, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C 50031 issued to Respondent Cheryl Lea Northey, M.D. shall be and hereby is Publicly Reprimanded pursuant to Business and Professions Code section 2227. This Public Reprimand is issued as a result of the following conduct by Respondent as set forth in Accusation No. 800-2017-034276.

On April 20, 2015, you were the treating physician for a patient with a scheduled C-section, who experienced a post- partum hemorrhage after you had departed from the hospital. You

failed to recognize and appropriately manage the patient's internal bleeding, and delayed returning to the hospital, although no hospitalist was present to provide care. These actions reflected departures from the standard of care.

Respondent further agrees to the following conditions as requirements for the issuance of this reprimand:

EDUCATION COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for its prior approval educational program(s) or course(s) which shall not be less than 30 hours. The educational program(s) or course(s) shall be aimed at correcting any areas of deficient practice or knowledge and shall be Category I certified. The educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure. Respondent is to complete the Education course(s) within one year from the date of this decision. Following the completion of each course, the Board or its designee may administer an examination to test Respondent's knowledge of the course. Respondent shall provide proof of attendance for 55 hours of CME of which 30 hours were in satisfaction of this condition.

Failure to comply with the Education Course requirement may constitute unprofessional conduct and may result in disciplinary action.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Thomas Still. 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: 10/14/2020 Cheryl Lea Northey, MD

CHERYL LEA NORTHEY, M.D.
Respondent

I have read and fully discussed with Respondent Cheryl Lea Northey, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 10-14-2020

THOMAS STILL
Attorney for Respondent

ENDORSEMENT

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

DATED: November 2, 2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California

/s/ Mary Cain-Simon

MARY CAIN-SIMON
Supervising Deputy Attorney
General *Attorneys for Complainant*

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Exhibit A

Accusation No. 800-2017-034276

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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: **CHERYL LEA NORTHEY, M.D.** **2907 Chanticleer Avenue, 2nd Floor** **Santa Cruz, CA 95065** **Physician's and Surgeon's Certificate No. C 50031,** Respondent.	Case No. 800-2017-034276 **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 January 17, 1997, the Medical Board issued Physician's and Surgeon's Certificate No. C 50031 to Cheryl Lea Northey, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2020, unless 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 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:
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> ...
>
> (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.
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> ...
>
> (d) Incompetence.
>
> ...

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

6. Respondent has subjected her Physician's and Surgeon's Certificate No. C 50031 to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of the Code, in that she was grossly negligent in her care and treatment of Patient A,[1] as more particularly alleged hereinafter:

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[1] To protect the privacy of the patient involved, the patient's name has not been included in this pleading. Respondent is aware of the identity of the patient referred to herein.

7. In or around April 2015, Respondent operated an obstetrics and gynecology (OBGYN) private practice clinic, and had privileges at Watsonville Community Hospital (WCH). WCH did not have OBGYN hospitalists at that time, so Respondent provided call coverage for her patients.

8. On or about April 20, 2015, Respondent performed a scheduled cesarean section and elective bilateral tubal ligation on Patient A, a then thirty-three (33) year old patient, whose medical history included a hip replacement, two prior cesarean sections, gestational diabetes, gestational hypertension, and late prenatal care. The surgery was uneventful, with an estimated blood loss of 400 cc. At approximately 2:15 p.m., the patient was transported to the postpartum unit.

9. Respondent lived approximately fifteen (15) minutes from WCH. At approximately 5:00 p.m., Respondent left WCH and went home.

10. At approximately 10:10 p.m., while in the postpartum unit, Patient A was alert and conscious, but complained of dizziness. At that time, her lochia was reportedly moderate to light, and her blood pressure was 77/42.

11. At approximately 10:45 p.m., Patient A was alert and conscious, her lochia was light, and her blood pressure was noted to be 77/35 with a pulse of 110.

12. At approximately 11:00 p.m., Patient A's nurse then called Respondent at home, and informed her of the patient's low blood pressure readings and low urine output of 100 ml for the preceding six (6) hours. Respondent ordered a STAT complete blood count (CBC) and administration of 5mg of ephedrine.[2] Respondent did not return to the hospital at that time.

13. After the administration of ephedrine, Patient A's blood pressure initially improved to 95/75, but then lowered to 83/50 at approximately 12:01 a.m.

14. At approximately 12:30 a.m., Patient A was alert and conscious, but complained of nausea. Her blood pressure was noted to be 74/40 with a pulse of 114. Patient A's nurse then called Respondent at home for a second time, and informed her of the patient's low blood pressure readings and her mildly distended abdomen. Respondent had not followed-up on the

[2] Ephedrine is a stimulant medication used to treat low blood pressure.

patient's STAT CBC results and did not inquire of the results at that time. Respondent then ordered a second administration of 5mg of ephedrine and a bolus of normal saline. Sometime thereafter, Respondent drove to the hospital.

15. At approximately 12:59 a.m., Patient A had labored breathing and was no longer responsive. A rapid response was called by nursing staff. Respondent arrived at Patient A's room approximately ten (10) minutes later, as the rapid response was in progress. The patient required intubation and was transported to the intensive care unit (ICU).

16. At approximately 1:30 a.m., Respondent ordered to crossmatch four (4) units of blood STAT and to begin transfusion.

17. At approximately 2:49 a.m., Patient A's heart rate dropped and a "Code Blue" was called. The patient responded to CPR.

18. On or about April 21, 2015, Patient A developed hypovolemic shock and acute renal failure. Throughout that day, multiple abdominal ultrasounds revealed a large amount of free fluid in her abdomen, and a CT scan of her pelvis revealed a massive hemoperitoneum.[3] Patient A received multiple blood products, including packed red blood cells, platelets, and fresh frozen plasma.

19. At approximately 4:45 p.m., Patient A returned to the operating room for an exploratory laparotomy, during which approximately 3000 cc of clots and blood were evacuated.

20. At approximately 10:00 p.m., Patient A was emergently transported by helicopter to Stanford Hospital. Patient A received a prolonged course of medical treatment until approximately June 2015, when she was released home.

21. Respondent committed gross negligence in her care and treatment of Patient A, which included but was not limited to, the following:

A. Failing to recognize the severity of the patient's internal bleeding and failing to actively manage her circulatory volume; and

B. Ordering two rounds of ephedrine in a patient presenting with signs and symptoms of shock due to hypovolemia.

[3] Hemoperitoneum is the presence of blood in the peritoneal cavity.

SECOND CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

22. Respondent has further subjected her Physician's and Surgeon's Certificate No. C 50031 to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (c), of the Code, in that she committed repeated negligent acts in her care and treatment of Patient A, as more particularly alleged in paragraphs 6 through 21, above, which are incorporated by reference and realleged, as if fully set forth herein.

THIRD CAUSE FOR DISCIPLINE

(Incompetence)

23. Respondent has further subjected her Physician's and Surgeon's Certificate No. C 50031 to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (d), of the Code, in that she has demonstrated incompetence in her care and treatment of Patient A, by failing to recognize the internal bleeding, and managing the patient's low blood pressure in a postoperative course with ephedrine, as more particularly alleged in paragraphs 6 through 21 above, which are incorporated by reference and realleged, as if fully set forth herein.

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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 No. C 50031, issued to Respondent, Cheryl Lea Northey, M.D.;

2. Revoking, suspending or denying approval of Respondent, Cheryl Lea Northey, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Respondent, Cheryl Lea Northey, 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: December 11, 2019

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

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