

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

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

Jeffrey William Andrey, M.D.

**Physician's and Surgeon's
Certificate No. G 84047**

Respondent.

Case No. 800-2018-051170

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 5, 2021.

IT IS SO ORDERED: February 3, 2021.

MEDICAL BOARD OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Ronald H. Lewis, MD", written over a horizontal line.

**Ronald H. Lewis, M.D., Chair
Panel A**

1 XAVIER BECERRA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 ROBERT W. LINCOLN
Deputy Attorney General
4 State Bar No. 316290
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9453
7 Facsimile: (619) 645-2012

8 *Attorneys for Complainant*

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

13 **In the Matter of the Accusation Against:**

14 **JEFFREY WILLIAM ANDREY, M.D.**
15 **3110 Quiet Hills Drive**
Escondido, CA 92029-7304
16 **Physician's and Surgeon's Certificate No.**
G 84047

17 **Respondent.**

Case No. 8002018051170

OAH No. 2020010301

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

21 **PARTIES**

22 1. Christine J. Lally¹ (Complainant) is the Interim Executive Director of the Medical
23 Board of California (Board). She brought this action solely in his official capacity and is
24 represented in this matter by Xavier Becerra, Attorney General of the State of California, by
25 Robert W. Lincoln, Deputy Attorney General.

26 ///

27
28 ¹ Christine J. Lally became the Interim Director of the Medical Board on October 28,
2019. William Prasifka, became Executive Director of the Medical Board on June 15, 2020.

1 2. Respondent Jeffrey William Andrey, M.D. (Respondent) is represented in this
2 proceeding by attorney Christopher M. Freistedt, Esq., whose address is: Dummit, Buchholz, &
3 Trapp, 101 W. Broadway, Ste. 1400, San Diego, CA 92101.

4 3. On or about August 8, 1997, the Board issued Physician's and Surgeon's Certificate
5 No. G 84047 to Jeffrey William Andrey, M.D. (Respondent). The Physician's and Surgeon's
6 Certificate was in full force and effect at all times relevant to the charges brought in Accusation
7 No. 800-2018-051170, and will expire on May 31, 2021, unless renewed.

8 **JURISDICTION**

9 4. Accusation No. 800-2018-051170 was filed before the Board, and is currently
10 pending against Respondent. The Accusation and all other statutorily required documents were
11 properly served on Respondent on November 5, 2019. Respondent timely filed his Notice of
12 Defense contesting the Accusation.

13 5. A copy of Accusation No. 800-2018-051170 is attached as Exhibit A and
14 incorporated herein by reference.

15 **ADVISEMENT AND WAIVERS**

16 6. Respondent has carefully read, fully discussed with counsel, and understands the
17 charges and allegations in Accusation No. 800-2018-051170. Respondent has also carefully read,
18 fully discussed with his counsel, and understands the effects of this Stipulated Settlement and
19 Disciplinary Order.

20 7. Respondent is fully aware of his legal rights in this matter, including the right to a
21 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
22 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
23 to the issuance of subpoenas to compel the attendance of witnesses and the production of
24 documents; the right to reconsideration and court review of an adverse decision; and all other
25 rights accorded by the California Administrative Procedure Act and other applicable laws, having
26 been fully advised of same by his attorney of record Christopher M. Freistedt, Esq.

27 8. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently
28 waives and gives up each and every right set forth above.

1 **CULPABILITY**

2 9. Respondent does not contest that, at an administrative hearing, Complainant could
3 establish a prima facie case with respect to the charges and allegations contained in Accusation
4 No. 800-2018-051170, a true and correct copy of which is attached hereto as Exhibit A, and that
5 he has thereby subjected his Physician's and Surgeon's Certificate No. G 84047 to disciplinary
6 action.

7 10. Respondent agrees that all of the charges and allegations contained in Accusation No.
8 800-2018-051170, shall be deemed true, correct and fully admitted by Respondent for purposes of
9 that proceeding or any other licensing proceeding involving Respondent in the State of
10 California.

11 11. Respondent agrees that his Physician's and Surgeon's Certificate No. G 84047 is
12 subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth
13 in the Disciplinary Order below.

14 **CONTINGENCY**

15 12. This Stipulated Settlement and Disciplinary Order shall be subject to approval by the
16 Medical Board of California. The parties agree that this Stipulated Settlement and Disciplinary
17 order shall be submitted to the Board for its consideration in the above-entitled matter and,
18 further, that the Board shall have a reasonable period of time in which to consider and act on this
19 Stipulated Settlement and Disciplinary Order after receiving it. By signing this stipulation,
20 Respondent fully understands and agrees that she may not withdraw her agreement or seek to
21 rescind this stipulation prior to the time the Board considers and acts upon it.

22 13. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null
23 and void and not binding upon the parties unless approved and adopted by the Board, except for
24 this paragraph, which shall remain in full force and effect. Respondent fully understands and
25 agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and
26 Disciplinary Order, the Board may receive oral and written communications from its staff and/or
27 the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify
28 the Board, any member thereof, and/or any person from future participation in this or any other

1 matter affecting or involving Respondent. In the event that the Board does not, in its discretion,
2 approve and adopt this Stipulated Settlement and Disciplinary Order, with the exception of this
3 paragraph, it shall become effective, shall be of no evidentiary value whatsoever, and shall not be
4 relied upon or introduced in any disciplinary action by either party whatsoever. Respondent
5 further agrees that should this Stipulated Settlement and Disciplinary Order be rejected for any
6 reason by the Board, Respondent will assert no claim that the Board, or any member thereof, was
7 prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Settlement and
8 Disciplinary Order or of any matters related hereto.

9 ADDITIONAL PROVISIONS

10 14. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to
11 be an integrated writing representing the complete, final and exclusive embodiment of the
12 agreements of the parties in the above-entitled matter.

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

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

19 DISCIPLINARY ORDER

20 **IT IS HEREBY ORDERED** that Physician's and Surgeon's Certificate No. G 84047
21 issued to Respondent Jeffrey William Andrey, M.D. is revoked. However, the revocation is
22 stayed and Respondent is placed on probation for three (3) years from the effective date of the
23 Decision on the following terms and conditions:

24 1. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall abstain
25 completely from the personal use or possession of controlled substances as defined in the
26 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and
27 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not
28 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide

1 illness or condition.

2 Within 15 calendar days of receiving any lawfully prescribed medications, Respondent
3 shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone
4 number; medication name, strength, and quantity; and issuing pharmacy name, address, and
5 telephone number.

6 If Respondent has a confirmed positive biological fluid test for any substance (whether or
7 not legally prescribed) and has not reported the use to the Board or its designee, Respondent
8 shall receive a notification from the Board or its designee to immediately cease the practice of
9 medicine. The Respondent shall not resume the practice of medicine until the final decision on an
10 accusation and/or a petition to revoke probation is effective. An accusation and/or petition to
11 revoke probation shall be filed by the Board within 30 days of the notification to cease practice.
12 If the Respondent requests a hearing on the accusation and/or petition to revoke probation, the
13 Board shall provide the Respondent with a hearing within 30 days of the request, unless the
14 Respondent stipulates to a later hearing. If the case is heard by an Administrative Law Judge
15 alone, he or she shall forward a Proposed Decision to the Board within 15 days of submission of
16 the matter. Within 15 days of receipt by the Board of the Administrative Law Judge's proposed
17 decision, the Board shall issue its Decision, unless good cause can be shown for the delay. If the
18 case is heard by the Board, the Board shall issue its decision within 15 days of submission of the
19 case, unless good cause can be shown for the delay. Good cause includes, but is not limited to,
20 non-adoption of the proposed decision, requests for reconsideration, remands and other
21 interlocutory orders issued by the Board. The cessation of practice shall not apply to the
22 reduction of the probationary time period.

23 If the Board does not file an accusation or petition to revoke probation within 30 days of the
24 issuance of the notification to cease practice or does not provide Respondent with a hearing
25 within 30 days of a such a request, the notification of cease practice shall be dissolved.

26 2. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the
27 use of products or beverages containing alcohol.

28 If Respondent has a confirmed positive biological fluid test for alcohol, Respondent shall

1 receive a notification from the Board or its designee to immediately cease the practice of
2 medicine. The Respondent shall not resume the practice of medicine until the final decision on an
3 accusation and/or a petition to revoke probation is effective. An accusation and/or petition to
4 revoke probation shall be filed by the Board within 30 days of the notification to cease practice.
5 If the Respondent requests a hearing on the accusation and/or petition to revoke probation, the
6 Board shall provide the Respondent with a hearing within 30 days of the request, unless the
7 Respondent stipulates to a later hearing. the case is heard by an Administrative Law Judge alone,
8 he or she shall forward a Proposed Decision to the Board within 15 days of submission of the
9 matter. Within 15 days of receipt by the Board of the Administrative Law Judge's proposed
10 decision, the Board shall issues its Decision, unless good cause can be shown for the delay. If the
11 case is heard by the Board, the Board shall issue its decision within 15 days of submission of the
12 case, unless good cause can be shown for the delay. Good cause includes, but is not limited to,
13 non-adoption of the proposed decision, requests for reconsideration, remands and other
14 interlocutory orders issued by the Board. The cessation of practice shall not apply to the
15 reduction of the probationary time period.

16 If the Board does not file an accusation or petition to revoke probation within 30 days of the
17 issuance of the notification to cease practice or does not provide Respondent with a hearing
18 within 30 days of such a request, the notification of cease practice shall be dissolved.

19 3. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
20 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
21 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
22 follicle testing, or similar drug screening approved by the Board or its designee. Prior to
23 practicing medicine, Respondent shall contract with a laboratory or service approved in advance
24 by the Board or its designee that will conduct random, unannounced, observed, biological fluid
25 testing. The contract shall require results of the tests to be transmitted by the laboratory or
26 service directly to the Board or its designee within four hours of the results becoming available.
27 Respondent shall maintain this laboratory or service contract during the period of probation.

28 A certified copy of any laboratory test result may be received in evidence in any

1 proceedings between the Board and Respondent.

2 If Respondent fails to cooperate in a random biological fluid testing program within the
3 specified time frame, Respondent shall receive a notification from the Board or its designee to
4 immediately cease the practice of medicine. The Respondent shall not resume the practice of
5 medicine until the final decision on an accusation and/or a petition to revoke probation is
6 effective. An accusation and/or petition to revoke probation shall be filed by the Board within 30
7 days of the notification to cease practice. If the Respondent requests a hearing on the accusation
8 and/or petition to revoke probation, the Board shall provide the Respondent with a hearing within
9 30 days of the request, unless the Respondent stipulates to a later hearing. If the case is heard by
10 an Administrative Law Judge alone, he or she shall forward a Proposed Decision to the Board
11 within 15 days of submission of the matter. Within 15 days of receipt by the Board of the
12 Administrative Law Judge's proposed decision, the Board shall issue its Decision, unless good
13 cause can be shown for the delay. If the case is heard by the Board, the Board shall issue its
14 decision within 15 days of submission of the case, unless good cause can be shown for the delay.
15 Good cause includes, but is not limited to, non-adoption of the proposed decision, requests for
16 reconsideration, remands and other interlocutory orders issued by the Board. The cessation of
17 practice shall not apply to the reduction of the probationary time period.

18 If the Board does not file an accusation or petition to revoke probation within 15 days of the
19 issuance of the notification to cease practice or does not provide Respondent with a hearing
20 within 30 days of such a request, the notification of cease practice shall be dissolved.

21 4. COMMUNITY SERVICE - FREE SERVICES. Within 60 calendar days of the
22 effective date of this Decision, Respondent shall submit to the Board or its designee for prior
23 approval a community service plan in which Respondent shall, within the first 2 years of
24 probation, provide 40 hours of free services (e.g., medical or nonmedical) to a community or non-
25 profit organization. If the term of probation is designated for 2 years or less, the community
26 service hours must be completed not later than 6 months prior to the completion of probation.

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1 Prior to engaging in any community service, Respondent shall provide a true copy of the
2 Decision(s) to the chief of staff, director, office manager, program manager, officer, or the chief
3 executive officer at every community or non-profit organization where Respondent provides
4 community service and shall submit proof of compliance to the Board or its designee within 15
5 calendar days. This condition shall also apply to any change(s) in community service.

6 Community service performed prior to the effective date of the Decision shall not be
7 accepted in fulfillment of this condition.

8 5. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
9 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
10 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
11 Respondent shall participate in and successfully complete that program. Respondent shall
12 provide any information and documents that the program may deem pertinent. Respondent shall
13 successfully complete the classroom component of the program not later than six (6) months after
14 Respondent's initial enrollment, and the longitudinal component of the program not later than the
15 time specified by the program, but no later than one (1) year after attending the classroom
16 component. The professionalism program shall be at Respondent's expense and shall be in
17 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

18 A professionalism program taken after the acts that gave rise to the charges in the
19 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
20 or its designee, be accepted towards the fulfillment of this condition if the program would have
21 been approved by the Board or its designee had the program been taken after the effective date of
22 this Decision.

23 Respondent shall submit a certification of successful **completion** to the Board or its
24 designee not later than 15 calendar days after successfully completing the program or not later
25 than 15 calendar days after the effective date of the Decision, whichever is later.

26 6. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
27 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
28 Chief Executive Officer at every hospital where privileges or membership are extended to

Respondent, at any other facility where Respondent engages in the practice of medicine, including all physician and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage to Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15 calendar days.

This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

7. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE NURSES. During probation, Respondent is prohibited from supervising physician assistants and advanced practice nurses.

8. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.

9. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation.

Respondent shall submit quarterly declarations not later than 10 calendar days after the end of the preceding quarter.

10. GENERAL PROBATION REQUIREMENTS.

Compliance with Probation Unit

Respondent shall comply with the Board's probation unit.

Address Changes

Respondent shall, at all times, keep the Board informed of Respondent's business and residence addresses, email address (if available), and telephone number. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021, subdivision (b).

Place of Practice

Respondent shall not engage in the practice of medicine in Respondent's or patient's place

1 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
2 facility.

3 License Renewal

4 Respondent shall maintain a current and renewed California physician's and surgeon's
5 license.

6 Travel or Residence Outside California

7 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
8 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
9 (30) calendar days.

10 In the event Respondent should leave the State of California to reside or to practice
11 ,Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
12 departure and return.

13 11. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
14 available in person upon request for interviews either at Respondent's place of business or at the
15 probation unit office, with or without prior notice throughout the term of probation.

16 12. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
17 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
18 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
19 defined as any period of time Respondent is not practicing medicine as defined in Business and
20 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
21 patient care, clinical activity or teaching, or other activity as approved by the Board. If
22 Respondent resides in California and is considered to be in non-practice, Respondent shall
23 comply with all terms and conditions of probation. All time spent in an intensive training
24 program which has been approved by the Board or its designee shall not be considered non-
25 practice and does not relieve Respondent from complying with all the terms and conditions of
26 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
27 on probation with the medical licensing authority of that state or jurisdiction shall not be
28 considered non-practice. A Board-ordered suspension of practice shall not be considered as a

1 period of non-practice.

2 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
3 months, Respondent shall successfully complete the Federation of State Medical Board's Special
4 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
5 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model
6 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

7 Respondent's period of non-practice while on probation shall not exceed two (2) years.

8 Periods of non-practice will not apply to the reduction of the probationary term.

9 Periods of non-practice for a Respondent residing outside of California will relieve
10 Respondent of the responsibility to comply with the probationary terms and conditions with the
11 exception of this condition and the following terms and conditions of probation: Obey All Laws;
12 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
13 Controlled Substances; and Biological Fluid Testing.

14 13. COMPLETION OF PROBATION. Respondent shall comply with all financial
15 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
16 completion of probation. Upon successful completion of probation, Respondent's certificate shall
17 be fully restored.

18 14. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
19 of probation is a violation of probation. If Respondent violates probation in any respect, the
20 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
21 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,
22 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
23 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
24 the matter is final.

25 15. LICENSE SURRENDER. Following the effective date of this Decision, if
26 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
27 the terms and conditions of probation, Respondent may request to surrender his or her license.
28 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in

determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its designee and Respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

16. PROBATION MONITORING COSTS. Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year.

17. FUTURE ADMISSIONS CLAUSE. 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 action agency in the State of California, all of the charges and allegations contained in Accusation No. 8002018051170 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 license.

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4 **ACCEPTANCE**

5 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
6 discussed it with my attorney, Christopher M. Freistedt, Esq. I understand the stipulation and the
7 effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated
8 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
9 bound by the Decision and Order of the Medical Board of California.

10
11 DATED: 07/16/20

Jeffrey William Andrey
JEFFREY WILLIAM ANDREY, M.D.
Respondent

13 I have read and fully discussed with Respondent Jeffrey William Andrey, M.D. the terms
14 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
15 Order. I approve its form and content.

16 DATED: 07/16/2020

Christopher M. Freistedt
CHRISTOPHER M. FREISTEDT
Attorney for Respondent

18
19 **ENDORSEMENT**

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

1 ACCEPTANCE

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

7
8 DATED: _____

9 JEFFREY WILLIAM ANDREY, M.D.
Respondent

10 I have read and fully discussed with Respondent Jeffrey William Andrey, M.D. the terms
11 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
12 Order. I approve its form and content.

13 DATED: _____

14 CHRISTOPHER M. FREISTEDT
Attorney for Respondent

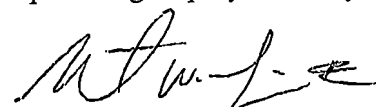
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16 ENDORSEMENT

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

19
20 DATED: 7/16/2020

Respectfully submitted,

21 XAVIER BECERRA
Attorney General of California
22 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General

23 
24 ROBERT W. LINCOLN
25 Deputy Attorney General
26 Attorneys for Complainant

27 SD2019701730
28 Andrey Jeffrey M.D. Stipulated Settlement and Disciplinary Order Revised.docx

Exhibit A

Accusation No. 8002018051170

1 XAVIER BECERRA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 ROBERT W. LINCOLN
Deputy Attorney General
4 State Bar No. 316290
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9453
7 Facsimile: (619) 645-2012

8 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO NOV. 1 2019
BY: A. C. PERMIA ANALYST

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

13 In the Matter of the Accusation Against:

Case No. 800-2018-051170

14 **Jeffrey William Andrey, M.D.**
15 **3110 Quiet Hills Drive**
Escondido, CA 92029-7304

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. G 84047,**

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

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

24 2. On or about August 8, 1997, the Medical Board issued Physician's and Surgeon's
25 Certificate No. G 84047 to Jeffrey William Andrey, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
27 herein and will expire on May 31, 2021, unless renewed.

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4. Section 2227 of the Code states, in pertinent part:

(1) Have his or her license revoked upon order of the board.

(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

...

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:

...

6. Unprofessional conduct under Business and Professions Code section 2234 is conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564,

1 575.)

2
3 7. Section 2236 of the Code states:

4 (a) The conviction of any offense substantially related to the qualifications,
5 functions, or duties of a physician and surgeon constitutes unprofessional conduct
6 within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record
of conviction shall be conclusive evidence only of the fact that the conviction
occurred.

7 ...

8 (d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is
9 deemed to be a conviction within the meaning of this section and Section 2236.1.
10 The record of conviction shall be conclusive evidence of the fact that the conviction
11 occurred.
12

13 8. Section 2239 of the Code states:

14 (a) The use or prescribing for or administering to himself or herself, of any
15 controlled substance; or the use of any of the dangerous drugs specified in Section
16 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous
or injurious to the licensee, or to any other person or to the public, or to the extent that
17 such use impairs the ability of the licensee to practice medicine safely or more than
one misdemeanor or any felony involving the use, consumption, or
18 self-administration of any of the substances referred to in this section, or any
combination thereof, constitutes unprofessional conduct. The record of the
conviction is conclusive evidence of such unprofessional conduct.

19 ...

20 9. California Code of Regulations, title 16, section 1360, states:

21 For the purposes of denial, suspension or revocation of a license, certificate or
22 permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime
or act shall be considered to be substantially related to the qualifications, functions or
23 duties of a person holding a license, certificate or permit under the Medical Practice
Act if to a substantial degree it evidences present or potential unfitness of a person
24 holding a license, certificate or permit to perform the functions authorized by the
license, certificate or permit in a manner consistent with the public health, safety or
welfare. Such crimes or acts shall include but not be limited to the following:
25 Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
violation of, or conspiring to violate any provision of the Medical Practice Act.
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FIRST CAUSE FOR DISCIPLINE

(Conviction of an Offense Substantially Related to the Qualifications, Functions, or Duties of a Physician and Surgeon)

10. Respondent has subjected his Physician's and Surgeon's Certificate No. G84047 to disciplinary action under sections 2227 and 2234, as defined by section 2236, of the Code, and California Code of Regulations, title 16 section 1360, in that he has been convicted of an offense substantially related to the qualifications, functions, or duties of a physician and surgeon, as more particularly alleged hereinafter:

11. On or about December 1, 2018, Respondent and his girlfriend were at Respondent's residence, where they both had lived for approximately four and a half (4 ½) years. After dinner, Respondent and his girlfriend began to argue verbally. Respondent had drank approximately four (4) bottles of red wine during the evening. Respondent pushed his girlfriend and yelled at her to "get out of the house." Respondent's girlfriend ran out of the residence. Respondent's girlfriend was able to call a neighbor with her phone and tell the neighbor to call the police. Respondent followed his girlfriend outside the residence and attempted to take the phone from her as she called a neighbor. Respondent's girlfriend then went back into the residence and into a bedroom to collect some of her belongings when Respondent entered the room and pushed his girlfriend into the closet doors in the bedroom. Respondent then ended up pushing his girlfriend onto a bed and was on top of her holding her down on the bed.

12. Respondent's girlfriend was heard screaming when San Diego Sheriff Deputies entered the residence on or about December 1, 2018. Upon their arrival, they spoke with Respondent and Respondent's girlfriend. They observed Respondent's girlfriend to be upset and she stated that she feared for her life. Deputies also observed abrasions, swelling, and bruising on the girlfriend's arm. Deputies also spoke with Respondent and observed Respondent's speech was extremely slurred and Respondent had a heavy odor of alcohol emanating from Respondent's breath and person. Deputies placed Respondent under arrest for Domestic Violence with injury. Respondent's girlfriend also requested that an Emergency Protective Order (EPO) be put in place, which was granted on December 1, 2018.

1 13. On or about December 2, 2018, at approximately 10:17 a.m., Respondent was
2 arrested again in or around Del Mar, California for violating the EPO granted against him by his
3 girlfriend on December 1, 2018. Respondent was transported and booked into custody at the
4 Vista Detention Facility.

5 14. On or about December 10, 2018, the San Diego District Attorney's Office filed a
6 criminal complaint against Respondent in the matter of *The People of the State of California v.*
7 *Jeffrey William Andrey*, San Diego County Superior Court Case No. CN394019. Respondent
8 was charged with three misdemeanors including: (1) Corporal injury to spouse and/or roommate,
9 in violation of Penal Code section 273.5(a); (2) Batter of a current or former significant other, in
10 violation of Penal Code section 243(e)(1) and (3) False Imprisonment, in violation of Penal Code
11 section 236.

12 15. On or about December 28, 2018, the San Diego District Attorney's Office filed a
13 criminal complaint against Respondent in the matter of *The People of the State of California v.*
14 *Jeffrey William Andrey*, San Diego County Superior Court Case No. CN394747. Respondent
15 was charged with a misdemeanor for disobeying a court order, in violation of Penal Code section
16 166(a)(4).

17 16. On or about February 7, 2019, Respondent was convicted upon his plea of guilty to
18 one misdemeanor count, battery of a current or former significant other, in violation of Penal
19 Code section 243(e)(1). Respondent was sentenced to three (3) years' summary probation, to
20 attend and complete integrated DV/SA and a fifty-two (52) week DV recovery program, and an
21 \$899 fine.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Use of Alcoholic Beverages to the Extent, or in Such a Manner, as to be Dangerous or**
3 **Injurious to Himself, Another Person, or the Public)**
4

5 17. Respondent has further subjected his Physician's and Surgeon's Certificate No.
6 G84047 to disciplinary action under sections 2227 and 2234, as defined by section 2239,
7 subdivision (a), of the Code, in that he has used alcoholic beverages to the extent, or in such a
8 manner, as to be dangerous or injurious to himself, another person, or the public, as more
9 particularly alleged in paragraphs 11 through 16, above, which are hereby incorporated by
10 reference and realleged as if fully set forth herein.
11

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(General Unprofessional Conduct)**

14 18. Respondent has further subjected his Physician's and Surgeon's Certificate G 84047
15 to disciplinary action under sections 2227 and 2234 of the Code, in that he has engaged in
16 conduct which breaches the rules or ethical code of the medical profession, or conduct which is
17 unbecoming to a member in good standing of the medical profession, and which demonstrates an
18 unfitness to practice medicine, as more particularly alleged in paragraphs 11 through 17, above,
19 which are hereby incorporated by reference and realleged as if fully set forth herein.

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1 PRAYER

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

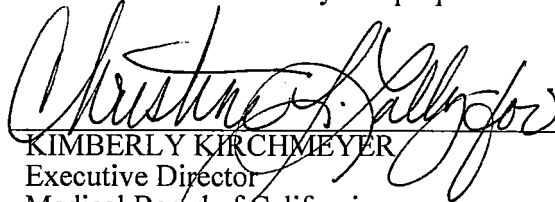
4 1. Revoking or suspending Physician's and Surgeon's Certificate No. G 84047, issued
5 to Jeffrey William Andrey, M.D.';

6 2. Revoking, suspending or denying approval of Jeffrey William Andrey, M.D.'s
7 authority to supervise physician assistants and advanced practice nurses;

8 3. Ordering Jeffrey William Andrey, M.D., if placed on probation, to pay the Board the
9 costs of probation monitoring; and

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

11
12 DATED: November 1, 2019


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

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