

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

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

Brittany Margaret Ashlock, M.D.

**Physician's and Surgeon's
Certificate No. A 139748**

Case No. 800-2020-067663

Respondent.

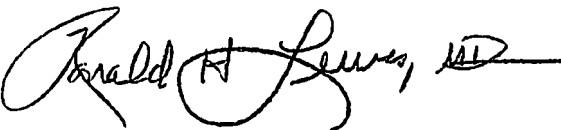
DECISION

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

This Decision shall become effective at 5:00 p.m. on June 18, 2021.

IT IS SO ORDERED: May 20, 2021.

MEDICAL BOARD OF CALIFORNIA



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

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
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8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the First Amended Accusation
Against:

Case No. 800-2020-067663

13 **BRITTANY MARGARET ASHLOCK, M.D.**
14 1425 S. Main Street
Walnut Creek, Ca 94596-5318

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Physician's and Surgeon's Certificate No. A 139748
16 Respondent.

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

19 **PARTIES**

20 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
21 California (Board). He brought this action solely in his official capacity and is represented in this
22 matter by Xavier Becerra, Attorney General of the State of California, by Jane Zack Simon,
23 Supervising Deputy Attorney General.

24 2. Respondent Brittany Margaret Ashlock, M.D. (Respondent) is represented in this
25 proceeding by attorney Shannon V. Baker, Rothschild Wishek & Sands LLP, 765 University
26 Avenue, Sacramento, CA 95825.

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3. On December 11, 2015, the Board issued Physician's and Surgeon's Certificate No. A 139748 to Brittany Margaret Ashlock, M.D. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2020-067663, and will expire on May 31, 2021, unless renewed.

JURISDICTION

4. First Amended Accusation No. 800-2020-067663 was filed before the Board, and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent, who timely filed her Notice of Defense contesting the First Amended Accusation.

5. A copy of First Amended Accusation No. 800-2020-067663 is attached as Exhibit A.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Accusation No. 800-2020-067663. 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 First Amended 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.

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1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations in First Amended
3 Accusation No. 800-2020-067663, if proven at a hearing, constitute cause for imposing discipline
4 upon her Physician's and Surgeon's Certificate.

5 10. Respondent agrees that, at a hearing, Complainant could establish a prima facie case
6 or factual basis for the charges in the First Amended Accusation, and that Respondent hereby
7 gives up her right to contest those charges.

8 11. Respondent does not contest that, at an administrative hearing, complainant could
9 establish a prima facie case with respect to the charges and allegations in First Amended
10 Accusation No. 800-2020-067663, and that she has thereby subjected her Physician's and
11 Surgeon's Certificate, No. A 139748 to disciplinary action.

12 12. Respondent agrees that her Physician's and Surgeon's Certificate is subject to
13 discipline and she agrees to be bound by the Board's probationary terms as set forth in the
14 Disciplinary Order below.

15 CONTINGENCY

16 13. This stipulation shall be subject to approval by the Medical Board of California.
17 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
18 Board of California may communicate directly with the Board regarding this stipulation and
19 settlement, without notice to or participation by Respondent or her counsel. By signing the
20 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek
21 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
22 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
23 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
24 action between the parties, and the Board shall not be disqualified from further action by having
25 considered this matter.

26 14. Respondent agrees that if she ever petitions for early termination or modification of
27 probation, or if an accusation and/or petition to revoke probation is filed against her before the
28 Board, all of the charges and allegations contained in First Amended Accusation No. 800-2020-

067663 shall be deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any other licensing proceeding involving Respondent in the State of California.

15. 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.

16. 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. A 139748 issued to Respondent Brittany Margaret Ashlock, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for 5 years, on the following terms and conditions.

1. ACTUAL SUSPENSION: As part of probation, Respondent is suspended from the practice of medicine for 30 days beginning the 16th day after the effective date of this Decision.

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

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

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

4. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism program, that

1 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
2 Respondent shall participate in and successfully complete that program. Respondent shall
3 provide any information and documents that the program may deem pertinent. Respondent shall
4 successfully complete the classroom component of the program not later than six (6) months after
5 Respondent's initial enrollment, and the longitudinal component of the program not later than the
6 time specified by the program, but no later than one (1) year after attending the classroom
7 component. The professionalism program shall be at Respondent's expense and shall be in
8 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

9 A professionalism program taken after the acts that gave rise to the charges in the First
10 Amended Accusation, but prior to the effective date of the Decision may, in the sole discretion of
11 the Board or its designee, be accepted towards the fulfillment of this condition if the program
12 would have been approved by the Board or its designee had the program been taken after the
13 effective date of this Decision.

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

17 5. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the
18 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice
19 where: 1) Respondent merely shares office space with another physician but is not affiliated for
20 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that
21 location.

22 If Respondent fails to establish a practice with another physician or secure employment in
23 an appropriate practice setting within 60 calendar days of the effective date of this Decision,
24 Respondent shall receive a notification from the Board or its designee to cease the practice of
25 medicine within three (3) calendar days after being so notified. The Respondent shall not resume
26 practice until an appropriate practice setting is established.

27 If, during the course of the probation, the Respondent's practice setting changes and the
28 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent

1 shall notify the Board or its designee within five (5) calendar days of the practice setting change.
2 If Respondent fails to establish a practice with another physician or secure employment in an
3 appropriate practice setting within 60 calendar days of the practice setting change, Respondent
4 shall receive a notification from the Board or its designee to cease the practice of medicine within
5 three (3) calendar days after being so notified. The Respondent shall not resume practice until an
6 appropriate practice setting is established.

7 6. PATIENT DISCLOSURE. Before a patient's first visit following the effective
8 date of this order and while Respondent is on probation, Respondent must provide all patients, or
9 patient's guardian or health care surrogate, with a separate disclosure that includes Respondent's
10 probation status, the length of the probation, the probation end date, all practice restrictions
11 placed on Respondent by the Board, the Board's telephone number, and an explanation of how
12 the patient can find further information on Respondent's probation on Respondent's profile page
13 on the Board's website. Respondent shall obtain from the patient, or the patient's guardian or
14 health care surrogate, a separate, signed copy of that disclosure. Respondent shall not be required
15 to provide a disclosure if any of the following applies: (1) The patient is unconscious or
16 otherwise unable to comprehend the disclosure and sign the copy of the disclosure and a guardian
17 or health care surrogate is unavailable to comprehend the disclosure and sign the copy; (2) The
18 visit occurs in an emergency room or an urgent care facility or the visit is unscheduled, including
19 consultations in inpatient facilities; (3) Respondent is not known to the patient until immediately
20 prior to the start of the visit; (4) Respondent does not have a direct treatment relationship with the
21 patient.

22 7. PSYCHIATRIC/SUBSTANCE ABUSE EVALUATIONS: At the Board's
23 discretion, and on whatever periodic basis that may be required by the Board or its designee,
24 Respondent shall undergo and complete a psychiatric and/or substance abuse evaluation (and
25 associated testing, if deemed necessary) by a Board-appointed evaluator, who shall consider any
26 information provided by the Board or its designee and any other information the evaluator deems
27 relevant, and shall furnish a written evaluation report to the Board or its designee. Respondent
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1 shall cooperate fully with any evaluation, and shall pay the cost of all evaluations and testing.
2 Respondent shall comply with all restrictions or conditions recommended by the evaluator within
3 15 calendar days after being notified by the Board or its designee.

4 8. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven
5 (7) days of the effective date of this Decision, Respondent shall provide to the Board the names,
6 physical addresses, mailing addresses, and telephone numbers of any and all employers and
7 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's
8 worksite monitor, and Respondent's employers and supervisors to communicate regarding
9 Respondent's work status, performance, and monitoring.

10 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or
11 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff
12 privileges.

13 9. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
14 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
15 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
16 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall
17 make daily contact with the Board or its designee to determine whether biological fluid testing is
18 required. Respondent shall be tested on the date of the notification as directed by the Board or its
19 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at
20 any time, including weekends and holidays. Except when testing on a specific date as ordered by
21 the Board or its designee, the scheduling of biological fluid testing shall be done on a random
22 basis. The cost of biological fluid testing shall be borne by the Respondent.

23 During the first year of probation, Respondent shall be subject to 52 to 104 random tests.
24 During the second year of probation and for the duration of the probationary term, up to five (5)
25 years, Respondent shall be subject to 36 to 104 random tests per year. Only if there has been no
26 positive biological fluid tests in the previous five (5) consecutive years of probation, may testing
27 be reduced to one (1) time per month. Nothing precludes the Board from increasing the number
28 of random tests to the first-year level of frequency for any reason.

1 Prior to practicing medicine, Respondent shall contract with a laboratory or service,
2 approved in advance by the Board or its designee, that will conduct random, unannounced,
3 observed, biological fluid testing and meets all of the following standards:

4 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry
5 Association or have completed the training required to serve as a collector for the United
6 States Department of Transportation.

7 (b) Its specimen collectors conform to the current United States Department of
8 Transportation Specimen Collection Guidelines.

9 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published
10 by the United States Department of Transportation without regard to the type of test
11 administered.

12 (d) Its specimen collectors observe the collection of testing specimens.

13 (e) Its laboratories are certified and accredited by the United States Department of Health
14 and Human Services.

15 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day
16 of receipt and all specimens collected shall be handled pursuant to chain of custody
17 procedures. The laboratory shall process and analyze the specimens and provide legally
18 defensible test results to the Board within seven (7) business days of receipt of the
19 specimen. The Board will be notified of non-negative results within one (1) business day
20 and will be notified of negative test results within seven (7) business days.

21 (g) Its testing locations possess all the materials, equipment, and technical expertise
22 necessary in order to test Respondent on any day of the week.

23 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens
24 for the detection of alcohol and illegal and controlled substances.

25 (i) It maintains testing sites located throughout California.

26 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line
27 computer database that allows the Respondent to check in daily for testing.

28 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff

1 access to drug test results and compliance reporting information that is available 24 hours a
2 day.

3 (l) It employs or contracts with toxicologists that are licensed physicians and have
4 knowledge of substance abuse disorders and the appropriate medical training to interpret
5 and evaluate laboratory biological fluid test results, medical histories, and any other
6 information relevant to biomedical information.

7 (m) It will not consider a toxicology screen to be negative if a positive result is obtained
8 while practicing, even if the Respondent holds a valid prescription for the substance.

9 Prior to changing testing locations for any reason, including during vacation or other travel,
10 alternative testing locations must be approved by the Board and meet the requirements above.

11 The contract shall require that the laboratory directly notify the Board or its designee of
12 non-negative results within one (1) business day and negative test results within seven (7)
13 business days of the results becoming available. Respondent shall maintain this laboratory or
14 service contract during the period of probation.

15 A certified copy of any laboratory test result may be received in evidence in any
16 proceedings between the Board and Respondent.

17 If a biological fluid test result indicates Respondent has used, consumed, ingested, or
18 administered to himself or herself a prohibited substance, the Board shall order Respondent to
19 cease practice and instruct Respondent to leave any place of work where Respondent is practicing
20 medicine or providing medical services. The Board shall immediately notify all of Respondent's
21 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or
22 provide medical services while the cease-practice order is in effect.

23 A biological fluid test will not be considered negative if a positive result is obtained while
24 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited
25 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

26 After the issuance of a cease-practice order, the Board shall determine whether the positive
27 biological fluid test is in fact evidence of prohibited substance use by consulting with the
28 specimen collector and the laboratory, communicating with the licensee, his or her treating

1 physician(s), other health care provider, or group facilitator, as applicable.

2 For purposes of this condition, the terms “biological fluid testing” and “testing” mean the
3 acquisition and chemical analysis of a Respondent’s urine, blood, breath, or hair.

4 For purposes of this condition, the term “prohibited substance” means an illegal drug, a
5 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by
6 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been
7 instructed by the Board not to use, consume, ingest, or administer to himself or herself.

8 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited
9 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the
10 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to
11 any other terms or conditions the Board determines are necessary for public protection or to
12 enhance Respondent’s rehabilitation.

13 10. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days
14 of the effective date of this Decision, Respondent shall submit to the Board or its designee, for its
15 prior approval, the name of a substance abuse support group which he or she shall attend for the
16 duration of probation. Respondent shall attend substance abuse support group meetings at least
17 once per week, or as ordered by the Board or its designee. Respondent shall pay all substance
18 abuse support group meeting costs.

19 The facilitator of the substance abuse support group meeting shall have a minimum of three
20 (3) years experience in the treatment and rehabilitation of substance abuse, and shall be licensed
21 or certified by the state or nationally certified organizations. The facilitator shall not have a
22 current or former financial, personal, or business relationship with Respondent within the last five
23 (5) years. Respondent’s previous participation in a substance abuse group support meeting led by
24 the same facilitator does not constitute a prohibited current or former financial, personal, or
25 business relationship.

26 The facilitator shall provide a signed document to the Board or its designee showing
27 Respondent’s name, the group name, the date and location of the meeting, Respondent’s
28 attendance, and Respondent’s level of participation and progress. The facilitator shall report any

unexcused absence by Respondent from any substance abuse support group meeting to the Board, or its designee, within twenty-four (24) hours of the unexcused absence.

11. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within thirty (30) calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for prior approval as a worksite monitor, the name and qualifications of one or more licensed physician and surgeon, other licensed health care professional if no physician and surgeon is available, or, as approved by the Board or its designee, a person in a position of authority who is capable of monitoring the Respondent at work.

The worksite monitor shall not have a current or former financial, personal, or familial relationship with Respondent, or any other relationship that could reasonably be expected to compromise the ability of the monitor to render impartial and unbiased reports to the Board or its designee. If it is impractical for anyone but Respondent's employer to serve as the worksite monitor, this requirement may be waived by the Board or its designee, however, under no circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

The worksite monitor shall have an active unrestricted license with no disciplinary action within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth by the Board or its designee.

Respondent shall pay all worksite monitoring costs.

The worksite monitor shall have face-to-face contact with Respondent in the work environment on as frequent a basis as determined by the Board or its designee, but not less than once per week; interview other staff in the office regarding Respondent's behavior, if requested by the Board or its designee; and review Respondent's work attendance.

The worksite monitor shall verbally report any suspected substance abuse to the Board and Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected substance abuse does not occur during the Board's normal business hours, the verbal report shall be made to the Board or its designee within one (1) hour of the next business day. A written report that includes the date, time, and location of the suspected abuse; Respondent's actions; and

any other information deemed important by the worksite monitor shall be submitted to the Board or its designee within 48 hours of the occurrence.

The worksite monitor shall complete and submit a written report monthly or as directed by the Board or its designee which shall include the following: (1) Respondent's name and Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3) the worksite monitor's license number, if applicable; (4) the location or location(s) of the worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance; (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can lead to suspected substance abuse by Respondent. Respondent shall complete any required consent forms and execute agreements with the approved worksite monitor and the Board, or its designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

If the worksite monitor resigns or is no longer available, Respondent shall, within five (5) calendar days of such resignation or unavailability, submit to the Board or its designee, for prior approval, the name and qualifications of a replacement monitor who will be assuming that responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a replacement monitor within sixty (60) calendar days of the resignation or unavailability of the monitor, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. Respondent shall cease the practice of medicine until a replacement monitor is approved and assumes monitoring responsibility.

12. VIOlation OF PROBATION CONDITION FOR SUBSTANCE ABUSING LICENSEES. Failure to fully comply with any term or condition of probation is a violation of probation.

A. If Respondent commits a major violation of probation as defined by section 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take one or more of the following actions:

(1) Issue an immediate cease-practice order and order Respondent to undergo a clinical

1 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
2 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice
3 order issued by the Board or its designee shall state that Respondent must test negative for at least
4 a month of continuous biological fluid testing before being allowed to resume practice. For
5 purposes of determining the length of time a Respondent must test negative while undergoing
6 continuous biological fluid testing following issuance of a cease-practice order, a month is
7 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until
8 notified in writing by the Board or its designee that he or she may do so.

9 (2) Increase the frequency of biological fluid testing.

10 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or
11 other action as determined by the Board or its designee.

12 B. If Respondent commits a minor violation of probation as defined by section
13 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
14 one or more of the following actions:

15 (1) Issue a cease-practice order;

16 (2) Order practice limitations;

17 (3) Order or increase supervision of Respondent;

18 (4) Order increased documentation;

19 (5) Issue a citation and fine, or a warning letter;

20 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in
21 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of
22 Regulations, at Respondent's expense;

23 (7) Take any other action as determined by the Board or its designee.

24 C. Nothing in this Decision shall be considered a limitation on the Board's authority
25 to revoke Respondent's probation if he or she has violated any term or condition of probation. If
26 Respondent violates probation in any respect, the Board, after giving Respondent notice and the
27 opportunity to be heard, may revoke probation and carry out the disciplinary order that was
28 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed

1 against Respondent during probation, the Board shall have continuing jurisdiction until the matter
2 is final, and the period of probation shall be extended until the matter is final.

3 13. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
4 Respondent shall provide a true copy of this Decision and First Amended Accusation to the Chief
5 of Staff or the Chief Executive Officer at every hospital where privileges or membership are
6 extended to Respondent, at any other facility where Respondent engages in the practice of
7 medicine, including all physician and locum tenens registries or other similar agencies, and to the
8 Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage
9 to Respondent. Respondent shall submit proof of compliance to the Board or its designee within
10 15 calendar days.

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

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

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

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

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

23 17. GENERAL PROBATION REQUIREMENTS.

24 Compliance with Probation Unit

25 Respondent shall comply with the Board's probation unit.

26 Address Changes

27 Respondent shall, at all times, keep the Board informed of Respondent's business and
28 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 of residence, unless the patient resides in a skilled nursing facility or other similar licensed facility.

License Renewal

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

Travel or Residence Outside California

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

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

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

19. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is defined as any period of time Respondent is not practicing medicine as defined in Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board. If Respondent resides in California and is considered to be in non-practice, Respondent shall comply with all terms and conditions of probation. All time spent in an intensive training

1 program which has been approved by the Board or its designee shall not be considered non-
2 practice and does not relieve Respondent from complying with all the terms and conditions of
3 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
4 on probation with the medical licensing authority of that state or jurisdiction shall not be
5 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
6 period of non-practice.

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

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

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

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

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

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

1 shall be extended until the matter is final.

2 22. LICENSE SURRENDER. Following the effective date of this Decision, if
3 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
4 the terms and conditions of probation, Respondent may request to surrender his or her license.
5 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
6 determining whether or not to grant the request, or to take any other action deemed appropriate
7 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
8 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
9 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
10 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
11 application shall be treated as a petition for reinstatement of a revoked certificate.

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

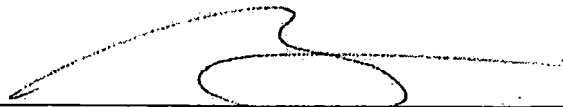
17 24. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or
18 reapply for a new license or certification, or petition for reinstatement of a license, by any other
19 health care licensing action agency in the State of California, all of the charges and allegations
20 contained in Accusation No. 800-2020-067663 shall be deemed to be true, correct, and admitted
21 by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to
22 deny or restrict license.

23 ACCEPTANCE

24 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
25 discussed it with my attorney, Shannon V. Baker. I understand the stipulation and the effect it
26 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
27 ///

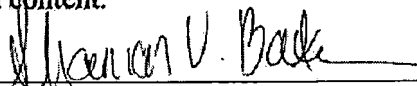
1 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
2 Decision and Order of the Medical Board of California.

3
4 DATED: 3/4/21


5 BRITTANY MARGARET ASHLOCK, M.D.
6 Respondent

7 I have read and fully discussed with Respondent Brittany Margaret Ashlock, M.D. the
8 terms and conditions and other matters contained in the above Stipulated Settlement and
9 Disciplinary Order. I approve its form and content.

10 DATED: 3/5/21


11 SHANNON V. BAKER
12 Attorney for Respondent

13 **ENDORSEMENT**

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

16 DATED: 3/8/2021

Respectfully submitted,

17 XAVIER BECERRA
18 Attorney General of California



19 JANE ZACK SIMON
20 Supervising Deputy Attorney General
21 Attorneys for Complainant

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Exhibit A

Accusation No. 800-2020-067663

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 State Bar No. 116564
455 Golden Gate Avenue, Suite 11000
4 San Francisco, CA 94102-7004
Telephone: (415) 510-3521
5 Facsimile: (415) 703-5480
E-mail: Janezack.simon@doj.ca.gov
6 *Attorneys for Complainant*

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11
12 In the Matter of the First Amended Accusation
Against:

Case No. 800-2020-067663

13 **Brittany Margaret Ashlock, M.D.**
14 1425 S. Main Street
Walnut Creek, CA 94596-5318

FIRST AMENDED ACCUSATION

15 Physician's and Surgeon's Certificate
16 No. A 139748

17 Respondent.

18
19 **PARTIES**

20 1. William Prasifka (Complainant) brings this First Amended Accusation solely in his
21 official capacity as the Executive Director of the Medical Board of California, Department of
22 Consumer Affairs (Board).

23 2. On December 11, 2015, the Medical Board issued Physician's and Surgeon's
24 Certificate Number A 139748 to Brittany Margaret Ashlock, M.D. (Respondent). The Physician's
25 and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
26 herein and will expire on May 31, 2021, unless renewed.

27 ///

28 ///

JURISDICTION

3. This First Amended 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.

6. Section 2280 of the Code provides that is unprofessional conduct for a licensee to practice medicine while under the influence of alcohol to such an extent as to impair his or her ability to safely practice.

7. Section 2239 of the Code provides that it is unprofessional conduct for a licensee to use alcohol, dangerous drugs or controlled substances 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 such use impairs the ability of the licensee to practice medicine safely.

8. Section 822 of the Code provides that the Board may take action if a licentiate's ability to safely practice medicine is impaired because of mental or physical illness.

9. Section 2228.1 of the Code provides, in pertinent part, that the Board shall require a licensee who is disciplined based on drug or alcohol abuse to the extent that such use impairs the ability of the licensee to practice safely to disclose to his or her patients information regarding his or her probation status. The licensee is required to disclose: Probation status, the length of the probation, the probation end date, all practice restrictions placed on the license by the Board, the Board's telephone number, and an explanation of how the patient can find further information on the licensee's probation on the Board's Internet Web site.

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FACTUAL ALLEGATIONS

10. Respondent practices as a nocturnist, a hospital-based physician who works overnight shifts. As a nocturnist, Respondent is responsible for admitting patients into the hospital from the emergency department and caring for previously admitted patients through the night.

11. On April 12, 2020, Respondent presented to the hospital at approximately 8 p.m. to begin her overnight shift. Shortly thereafter, Respondent collapsed in an elevator, and was taken to the emergency department for evaluation. Respondent recalls reporting to work, seeing a patient and starting a note on the patient, then being in the elevator. Her next recollection is being on a gurney. A full evaluation was conducted in the emergency department. Respondent's blood alcohol level was .07%. While in the emergency room, Respondent drank from a bottle of wine that was in her backpack after she experienced panic and shakiness. Respondent was assessed as having suffered a seizure related to alcohol use. She was also noted to be in alcohol withdrawal and to have an elevated blood alcohol level.

12. Respondent acknowledges she has abused alcohol for several years. By the time of the April 2020 events, Respondent was drinking one to two bottles of wine daily, and although she denied ever using alcohol at work, Respondent stated that she was concerned about having withdrawal symptoms at work, and did have a bottle of wine in her bag on April 12, 2020.

13. Respondent enrolled in and completed a residential treatment program for alcohol abuse, and has continued in a monitoring program. She reports a sobriety date of May 5, 2020.

14. Respondent underwent an evaluation by a Board-appointed psychiatrist. The evaluator concluded that Respondent has severe Alcohol Use Disorder which impacts her ability to safely practice medicine. The evaluator noted that Respondent cannot safely practice medicine unless she maintains sobriety, and undergoes treatment and monitoring.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Impaired Ability to Safely Practice Medicine)**

3 15. Respondent's Certificate is subject to disciplinary action by the Board pursuant to
4 sections 2227 and 822 of the Code in that Respondent is impaired in her ability to safely practice
5 medicine as a result of substance abuse.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Dangerous Use of Alcohol)**

8 16. Respondent's Certificate is subject to disciplinary action for unprofessional
9 conduct pursuant to sections 2234 and/or 2239 of the Code, in that she used alcohol to such an
10 extent or in such a manner as to be dangerous to herself, others and the public.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Practice While Under the Influence or Impaired)**

13 17. Respondent's Certificate is subject to disciplinary action for unprofessional
14 conduct pursuant to sections 2234 and/or 2280 in that she reported to work and treated at least
15 one patient while she had an elevated blood alcohol level, and was in alcohol withdrawal, as
16 further evidenced by the fact Respondent had a bottle of wine in her possession, and drank from
17 that bottle while she was receiving treatment in the emergency department.

18 **PRAYER**

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

21 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 139748,
22 issued to Brittany Margaret Ashlock, M.D.;

23 2. Revoking, suspending or denying approval of Brittany Margaret Ashlock, M.D.'s
24 authority to supervise physician assistants and advanced practice nurses;

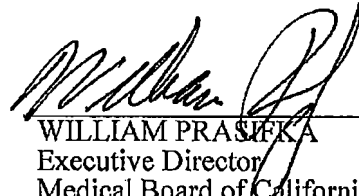
25 3. Ordering Brittany Margaret Ashlock, M.D., if placed on probation, to pay the Board
26 the costs of probation monitoring;

27 ///

1 4. Ordering Respondent, if placed on probation, to provide patient notification in
2 accordance with Business and Professions Code sections 2228.1; and

3 5. Taking such other and further action as deemed necessary and proper.

4
5 DATED: **MAR 01 2021**



WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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