

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

In the Matter of the Accusation Against:

Richard Gordon Phair, M.D.

Physician's & Surgeon's
Certificate No. G 78581

Respondent

Case No.: 800-2018-048156

**DENIAL BY OPERATION OF LAW
PETITION FOR RECONSIDERATION**

No action having been taken on the Petition for Reconsideration, filed by Richard Gordon Phair, M.D., and the time for action having expired at 5:00 p.m. on June 7, 2021, the petition is deemed denied by operation of law.

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

In the Matter of the Accusation Against:

Richard Gordon Phair, **M.D.**

Physician's & Surgeon's
Certificate No. G 78581

Respondent

Case No. 800-2018-048156

ORDER GRANTING STAY


(Government Code Section 11521)

Richard Gordon Phair, M.D. has filed a Request for Stay of execution of the Decision in this matter, currently stayed until May 28, 2021, at 5:00 p.m.

Execution is now stayed until June 7, 2021, at 5:00 p.m.

This stay is granted solely for the purpose of allowing the Board time to review and consider the Petition for Reconsideration.

DATED: May 28, 2021



Reji Varghese
Deputy Director

For: William Prasifka
Executive Director
Medical Board of California

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

In the Matter of the Accusation Against:

Richard Gordon Phair, **M.D.**

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Certificate No G78581

Respondent.

Case No. 800-2018-048156

ORDER GRANTING STAY

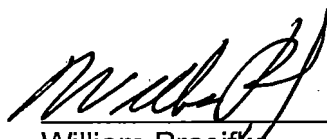
(Government Code Section 11521)

Michael A. Firestone, MBA, JD., on behalf of Respondent, Richard Gordon Phair, M.D., has filed a Request for Stay of execution of the Decision in this matter with an effective date of April 28, 2021, at 5:00 p.m..

Execution is stayed until May 28, 2021, at 5:00 p.m.

This stay is granted solely for the purpose of allowing the Respondent to file a Petition for Reconsideration.

DATED: April 26, 2021



William Prasifka
Executive Director
Medical Board of California

1 XAVIER BECERRA
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 800-2018-048156

13 **RICHARD GORDON PHAIR, M.D.**
14 **4001 Inglewood Avenue**
Building 101, Unit 126
15 **Redondo Beach, CA 90278**

DEFAULT DECISION
AND ORDER

[Gov. Code, §11520]

16 **Physician's and Surgeon's Certificate No. G**
17 **78581,**

18 Respondent.
19

20 **FINDINGS OF FACT**

21 1. On or about June 24, 2020, Complainant William Prasifka, in his official capacity as
22 the Executive Director of the Medical Board of California, Department of Consumer Affairs, filed
23 Accusation No. 800-2018-048156 against RICHARD GORDON PHAIR, M.D. (Respondent)
24 before the Medical Board of California.

25 2. On or about March 30, 1994, the Medical Board of California (Board) issued
26 Physician's and Surgeon's Certificate No. G 78581 to Respondent. The Physician's and Surgeon's
27 Certificate expired on October 31, 2019, and has not been renewed. A Certificate of Licensure is
28 attached as Exhibit A in the accompanying Default Decision Evidence Packet, and is incorporated

1 herein by reference.

2 3. On or about June 24, 2020, Anna Logan, an employee of the Complainant Agency,
3 served by Certified Mail a copy of the Accusation No. 800-2018-048156, Statement to
4 Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5,
5 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 4001
6 Inglewood Avenue, Building 101, Unit 126, Redondo Beach, CA 90278. A copy of the
7 Accusation, the related documents, and Declaration of Service are attached as Exhibit B in the
8 accompanying Default Decision Evidence Packet, and are incorporated herein by reference.

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c).

11 5. On or about August 25, 2020, a Certified Mail receipt was returned by the U.S. Postal
12 Service. The receipt was signed by "Tim Hughes" on June 26, 2020. A copy of the Certified
13 Mail receipt is attached as Exhibit C in the accompanying Default Decision Packet, and is
14 incorporated herein by reference.

15 6. On or about November 2, 2020, an envelope containing copy of the Accusation No.
16 800-2018-048156, Statement to Respondent, Notice of Defense, Request for Discovery, and
17 Government Code sections 11507.5, 11507.6, and 11507.7 mailed by Anna Logan, an employee
18 of the Complainant Agency, was returned to the Board. It had a label marked, "RETURN TO
19 SENDER, NO LONGER AT THIS ADDRESS, UNABLE TO FORWARD, RETURN TO
20 SENDER." A copy of the returned envelope that contained Accusation No. 800-2018-048156,
21 Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code
22 sections 11507.5, 11507.6, and 11507.7 is attached as Exhibit D in the accompanying Default
23 Decision Evidence Packet, and is incorporated herein by reference.

24 7. On or about August 8, 2020, Joseph McGaha, an employee of the California
25 Department of Justice, served by First Class U.S. Mail, a copy of the Courtesy Notice of Default,
26 a copy of the Accusation No. 800-2018-048156, Statement to Respondent, Notice of Defense,
27 Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to
28 Respondent's address of record with the Board, which was and is 4001 Inglewood Avenue,

1 Building 101, Unit 126, Redondo Beach, CA 90278. The documents were returned by the U.S.
2 Postal Service as undeliverable. A copy of the Courtesy Notice of Default, the related
3 documents, and Declaration of Service are attached as Exhibit E in the accompanying Default
4 Decision Evidence Packet, and are incorporated herein by reference. A copy of the returned
5 envelope that contained the Courtesy Notice of Default, the related documents, and Declaration of
6 Service is attached as Exhibit F in the accompanying Default Decision Evidence Packet, and is
7 incorporated herein by reference.

8 8. Business and Professions Code section 118 states, in pertinent part:

9 (b) The suspension, expiration, or forfeiture by operation of law of a license
10 issued by a board in the department, or its suspension, forfeiture, or cancellation by
11 order of the board or by order of a court of law, or its surrender without the written
12 consent of the board, shall not, during any period in which it may be renewed,
13 restored, reissued, or reinstated, deprive the board of its authority to institute or
continue a disciplinary proceeding against the licensee upon any ground provided by
law or to enter an order suspending or revoking the license or otherwise taking
disciplinary action against the license on any such ground.

14 9. Government Code section 11506 states, in pertinent part:

15 (c) The respondent shall be entitled to a hearing on the merits if the respondent
16 files a notice of defense, and the notice shall be deemed a specific denial of all parts
17 of the accusation not expressly admitted. Failure to file a notice of defense shall
constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

18 10. Respondent failed to file a Notice of Defense within 15 days after service upon him
19 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
20 800-2018-048156.

21 11. California Government Code section 11520 states, in pertinent part:

22 (a) If the respondent either fails to file a notice of defense or to appear at the
23 hearing, the agency may take action based upon the respondent's express admissions
24 or upon other evidence and affidavits may be used as evidence without any notice to
respondent.

25 12. Pursuant to its authority under Government Code section 11520, the Board finds
26 Respondent is in default. The Board will take action without further hearing and, based on
27 Respondent's express admissions by way of default and the evidence before it, contained in
28 Exhibits A, B, C, D, E, F, G, H, I, J, and K, finds that the allegations in Accusation No. 800-

1 2018-048156 are true.

2 **DETERMINATION OF ISSUES**

3 1. Based on the foregoing findings of fact, Respondent RICHARD GORDON PHAIR,
4 M.D. has subjected his Physician's and Surgeon's Certificate No. G 78581 to discipline.

5 2. A copy of the Accusation and the related documents and Declaration of Service are
6 attached.

7 3. The agency has jurisdiction to adjudicate this case by default.

8 4. Pursuant to its authority under California Government Code section 11520, and based
9 on the evidence before it, the Board hereby finds that the charges and allegations contained in
10 Accusation No. 800-2018-048156, and the Findings of Facts contained in paragraphs 1 through
11 12, above, and each of them separately and severally, are true. A true and correct copy of
12 Accusation No. 800-2018-048156 and the related documents and Declarations of Service are
13 attached as Exhibit B.

14 5. The Medical Board of California is authorized to revoke Respondent's Physician's and
15 Surgeon's Certificate based upon the following violations alleged in the Accusation:

16 a. Failure To Comply with a Board Order Issued Under Section 820 of the Code:
17 Respondent failed to comply with a Board Order issued under section 820 of the Code when he
18 failed to appear for two previously scheduled physical examinations ordered by the Board under
19 section 820 of the Code. These acts are in violation of section 821 of the Code. (See Exhibits H,
20 I, J, and K attached in the accompanying Default Decision Evidence Packet and incorporated
21 herein);

22 b. Unprofessional Conduct: Respondent committed unprofessional conduct by
23 failing to comply with a Board Order issued under section 820 of the Code. This act is in
24 violation of section 2234 of the Code. (See Exhibits H, I, J, and K attached in the accompanying
25 Default Decision Evidence Packet and incorporated herein.)

26 **ORDER**

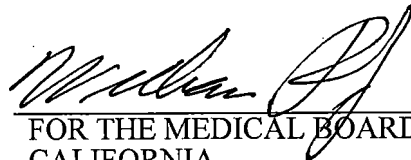
27 IT IS SO ORDERED that Physician's and Surgeon's Certificate No. G 78581, heretofore
28 issued to Respondent RICHARD GORDON PHAIR, M.D., is revoked.

1 If Respondent ever files an application for relicensure or reinstatement in the State of
2 California, the Board shall treat it as a petition for reinstatement of a revoked license.
3 Respondent must comply with all laws, regulations, and procedures for reinstatement of a
4 revoked license in effect at the time the petition for reinstatement is filed.

5 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
6 written motion requesting that the Decision be vacated and stating the grounds relied on within
7 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
8 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

9 This Decision shall become effective on **APR 28 2021**.

10 It is so ORDERED **MAR 29 2021**
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14 FOR THE MEDICAL BOARD OF
15 CALIFORNIA
16 DEPARTMENT OF CONSUMER AFFAIRS

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11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2018-048156

13 **Richard Gordon Phair, M.D.**
14 **4001 Inglewood Avenue**
15 **Building 101, Unit 126**
Redondo Beach, CA 90278

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. G 78581,**

Respondent.

18
19
20 **PARTIES**

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

24 2. On or about March 30, 1994, the Medical Board issued Physician's and Surgeon's
25 Certificate Number G 78581 to Richard Gordon Phair, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate expired on October 31, 2019, and has not been renewed.

27 **JURISDICTION**

28 3. This Accusation is brought before the Board, under the authority of the following

1 laws. All section references are to the Business and Professions Code (Code) unless otherwise
2 indicated.

3 4. Section 820 of the code states, in pertinent part: "Whenever it appears that any person
4 holding a license, certificate or permit under this division or under any initiative act referred to in
5 this division may be unable to practice his or her profession safely because the licentiate's ability
6 to practice is impaired due to mental illness, or physical illness affecting competency, the
7 licensing agency may order the licentiate to be examined by one or more physicians and surgeons
8 or psychologists designated by the agency."

9 5. Section 821 of the Code states: "The licentiate's failure to comply with an order
10 issued under Section 820 shall constitute grounds for the suspension or revocation of the
11 licentiate's certificate or license."

12 6. Section 2234 of the Code states:

13 The board shall take action against any licensee who is charged with
14 unprofessional conduct. In addition to other provisions of this article,
15 unprofessional conduct includes, but is not limited to, the following:

16 (a) Violating or attempting to violate, directly or indirectly, assisting in or
17 abetting the violation of, or conspiring to violate any provision of this chapter.

18 ...

19 FACTUAL SUMMARY

20 7. On or about March 16, 2020, acting on reports that Respondent appeared to be
21 mentally or physically ill, the Board issued an order pursuant to Business and Professions Code
22 section 820, Case No. 800-2018-048156, compelling Respondent to undergo mental and physical
23 examinations to determine whether he was impaired by a mental or physical illness affecting his
24 competency to practice medicine.

25 8. On or about April 7, 2020, Investigator Jesse Lopez with the Department of
26 Consumer Affairs, Division of Investigation, Health Quality Investigation Unit, contacted Dr.
27 Bernard Katz to perform a physical examination and Dr. Alex Sahba to perform a mental
28 examination of Respondent. Special Investigator Chris Jensen with the Board contacted

1 Respondent by phone and sent him the times and dates of his physical and mental examinations
2 by email. A physical examination with Dr. Bernard Katz was scheduled for April 14, 2020 at
3 3:00 pm for Respondent.

4 9. On or about April 9, 2020, Special Investigator Jensen sent Respondent a notice of
5 appointments, by Certified and regular U. S. Mail, confirming an appointment with Dr. Bernard
6 Katz for a physical examination on April 14, 2020 at 3:00 pm.

7 10. On or about April 14, 2020, Special Investigator Jensen received an email from Dr.
8 Katz stating Respondent had called him five minutes prior to 3:00 pm and said he could not make
9 the appointment until 4:00 pm. Dr. Katz could not accommodate the delay. Special Investigator
10 Jensen called Respondent and left a voicemail message. Special Investigator Jensen also sent
11 Respondent an email, instructing him to contact Dr. Katz to reschedule his physical examination.
12 Respondent rescheduled his physical examination with Dr. Katz for April 16, 2020.

13 11. Respondent failed to attend his April 16, 2020 appointment with Dr. Katz. On or
14 about April 20, 2020, Dr. Katz contacted Special Investigator Jensen and informed him that
15 Respondent did not come for his rescheduled appointment on April 16, 2020.

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Failure To Comply With An Order Issued Under Section 820 Of The Code)**

18 12. By reason of the facts set forth in paragraphs 7 through 11 above, Respondent is
19 subject to disciplinary action under Section 821 of the Code in that Respondent failed to comply
20 with an order issued under Section 820 of the Code by failing to appear for two previously
21 scheduled physical examinations ordered by the Board under Section 820 of the Code.

22 13. Respondent's acts and/or omissions as set forth in paragraphs 7 through 11 above,
23 whether proven individually, jointly, or in any combination thereof, constitutes Respondent's
24 failure to comply with an order issued under Section 820 of the Code, pursuant to Section 821 of
25 the Code.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

3 14. By reason of the facts and allegations set forth in paragraphs 7 through 13 above,
4 Respondent is subject to disciplinary action under Section 2234, of the Code in that Respondent
5 failed to comply with an order issued under Section 820 of the Code by failing to appear for two
6 previously scheduled physical examinations ordered by the Board under Section 820 of the Code.

7 15. Respondent's acts and/or omissions as set forth in paragraphs 7 through 13 above,
8 whether proven individually, jointly, or in any combination thereof, constitute unprofessional
9 conduct which breaches the rules or ethical code of a profession, or conduct which is unbecoming
10 of a member in good standing of a profession in violation of Section 2234 of the Code.

11 **PRAYER**

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

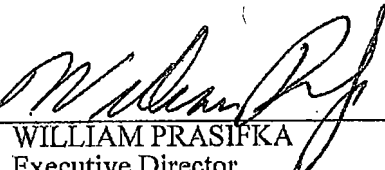
14 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 78581,
15 issued to Richard Gordon Phair, M.D.;

16 2. Revoking, suspending or denying approval of Richard Gordon Phair, M.D.'s authority
17 to supervise physician assistants and advanced practice nurses;

18 3. Ordering Richard Gordon Phair, M.D., if placed on probation, to pay the Board the
19 costs of probation monitoring; and

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

21
22 DATED: JUN 24 2020

23 
24 WILLIAM PRASIFKA
25 Executive Director
26 Medical Board of California
27 Department of Consumer Affairs
28 State of California
Complainant

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22 13. Respondent's acts and/or omissions as set forth in paragraphs 7 through 11 above,
23 whether proven individually, jointly, or in any combination thereof, constitutes Respondent's
24 failure to comply with an order issued under Section 820 of the Code, pursuant to Section 821 of
25 the Code.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

3 14. By reason of the facts and allegations set forth in paragraphs 7 through 13 above,
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11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
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22 DATED: **JUN 24 2020**

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25 Executive Director
26 Medical Board of California
27 Department of Consumer Affairs
28 State of California
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