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

In the Matter of the Accusation Against: **Rebecca Lynne Darsey, M.D.** **Physician's and Surgeon's Certificate No. A 88782** **Respondent.**	**Case No.: 800-2019-054798**

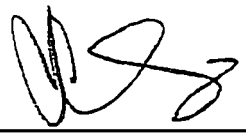
DECISION

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 January 14, 2022.

IT IS SO ORDERED: December 15, 2021.

MEDICAL BOARD OF CALIFORNIA



Laurie Rose Lubiano, J.D., Chair
Panel A

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

In the Matter of the Accusation Against: **REBECCA LYNNE DARSEY, M.D.** **Kaiser Permanente** **1 Quality Dr.** **Vacaville, CA 95688** **Physician's and Surgeon's Certificate** **No. A 88782** Respondent.	Case No. 800-2019-054798 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

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

PARTIES

1. William Prasifka (Complainant) is the Executive Director of the Medical Board of California (Board). He brought this action solely in his official capacity and is represented in this matter by Rob Bonta, Attorney General of the State of California, by Ryan J. Yates, Deputy Attorney General.

2. Respondent Rebecca Lynne Darsey, M.D. (Respondent) is represented in this proceeding by attorney Stephen Boreman, at Slote, Links, and Boreman, PC, whose address is:

50 California Street, 34th floor, San Francisco, CA 94111. On or about September 3, 2004, the Board issued Physician's and Surgeon's Certificate No. A 88782 to Rebecca Lynne Darsey, M.D. (Respondent). The Physician' s and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2019-054798, and will expire on December 31, 2021, unless renewed.

JURISDICTION

3. Accusation No. 800-2019-054798 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on September 29, 2021 Respondent timely filed her Notice of Defense contesting the Accusation.

4. A copy of Accusation No. 800-2019-054798 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2019-054798. Respondent has also carefully read, fully discussed with her counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

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

CULPABILITY

8. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2019-060435, if proven at a hearing, constitute cause for imposing discipline upon her

Physician's and Surgeon's Certificate.

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in Accusation No. 800- 2019-060435, a true and correct copy of which is attached hereto as Exhibit A, and that she has thereby subjected her Physician's and Surgeon's Certificate, No. G 72934 to disciplinary action, and Respondent hereby gives up her right to contest those charges.

10. Respondent agrees that her Physician's and Surgeon's Certificate is subject to discipline based on this agreement and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

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

12. Respondent agrees that if she ever petitions for early termination or modification of probation, or if an accusation and/or petition to revoke probation is filed against her before the Board, all of the charges and allegations contained in Accusation No. 800-2019-054798 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.

13. 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.

14. 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 88782 issued to Respondent Rebecca Lynne Darsey, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for five years, with the following terms and conditions:

1. PRESCRIBING PRACTICES COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in prescribing practices approved in advance by the Board or its designee. Respondent shall provide the approved course provider with any information and documents that the approved course provider may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The prescribing practices course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

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

2. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for prior approval the name and qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who

has a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall undergo and continue psychotherapy treatment, including any modifications to the frequency of psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

The psychotherapist shall consider any information provided by the Board or its designee and any other information the psychotherapist deems relevant and shall furnish a written evaluation report to the Board or its designee. Respondent shall cooperate in providing the psychotherapist with any information and documents that the psychotherapist may deem pertinent.

Respondent shall have the treating psychotherapist submit quarterly status reports to the Board or its designee. The Board or its designee may require Respondent to undergo psychiatric evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of probation, Respondent is found to be mentally unfit to resume the practice of medicine without restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the period of probation shall be extended until the Board determines that Respondent is mentally fit to resume the practice of medicine without restrictions.

Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

3. CONTINUE TREATMENT WITH PRIMARY CARE PHYSICIAN. Within 30 calendar days of the effective date of this Decision, and on a periodic basis thereafter as may be required by the Board or its designee, Respondent shall continue regular medical treatment by a Board-approved physician. Respondent shall provide the physician with any information and documentation that the physician may deem pertinent. Respondent shall, upon demand from the Board, provide verification that she is under the care and treatment of a primary care physician.

4. PROHIBITED SELF-PRESCRIBING. During probation, Respondent is prohibited from self-prescribing prescription drugs/medications.

5. MONITORING - PRACTICE. Within 30 calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for prior approval as a practice monitor, the name and qualifications of one or more licensed physicians and surgeons whose

licenses are valid and in good standing, and who are preferably American Board of Medical Specialties (ABMS) certified. A monitor shall have no prior or current business or personal relationship with Respondent, or other relationship that could reasonably be expected to compromise the ability of the monitor to render fair and unbiased reports to the Board, including but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

The Board or its designee shall provide the approved monitor with copies of the Decision(s) and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the signed statement for approval by the Board or its designee.

Within 60 calendar days of the effective date of this Decision, and continuing throughout probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall make all records available for immediate inspection and copying on the premises by the monitor at all times during business hours and shall retain the records for the entire term of probation.

If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective date of this Decision, 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 monitor is approved to provide monitoring responsibility.

The monitor(s) shall submit a quarterly written report to the Board or its designee which includes an evaluation of Respondent's performance, indicating whether Respondent's practices are within the standards of practice of medicine, and whether Respondent is practicing medicine safely. It shall be the sole responsibility of Respondent to ensure that the monitor submits the quarterly written reports to the Board or its designee within 10 calendar days after the end of the preceding quarter.

If the monitor resigns or is no longer available, Respondent shall, within 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 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 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.

In lieu of a monitor, Respondent may participate in a professional enhancement program approved in advance by the Board or its designee that includes, at minimum, quarterly chart review, semi-annual practice assessment, and semi-annual review of professional growth and education. Respondent shall participate in the professional enhancement program at Respondent's expense during the term of probation.

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

If Respondent fails to establish a practice with another physician or secure employment in an appropriate practice setting within 60 calendar days of the effective date of this Decision, 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. The Respondent shall not resume practice until an appropriate practice setting is established.

If, during the course of the probation, the Respondent's practice setting changes and the Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent shall notify the Board or its designee within five (5) calendar days of the practice setting change. If Respondent fails to establish a practice with another physician or secure employment in an appropriate practice setting within 60 calendar days of the practice setting change, 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. The Respondent shall not resume practice until an appropriate practice setting is established.

7. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the 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.

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 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.

11. 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.

12. 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 program which has been approved by the Board or its designee shall not be considered non-practice and does not relieve Respondent from complying with all the terms and conditions of

probation. Practicing medicine in another state of the United States or Federal jurisdiction while on probation with the medical licensing authority of that state or jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-practice.

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

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

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

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

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

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

15. LICENSE SURRENDER. Following the effective date of this Decision, if Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request to surrender his or her license. 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. 800-2019-054798 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.

ACCEPTANCE

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

DATED: Oct. 13, 2021

REBECCA LYNNE DARSEY, M.D.
Respondent

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

DATED: 10-13-2021

STEPHEN BOREMAN
Attorney for Respondent

ENDORSEMENT

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

DATED: 10/13/21

Respectfully submitted,

ROB BONTA
Attorney General of California
STEVEN D. MUNI
Supervising Deputy Attorney General

RYAN J. YATES
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2019-054798

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

In the Matter of the Accusation Against: **REBECCA LYNNE DARSEY, M.D.** **Kaiser Permanente** **1 Quality Dr.** **Vacaville, CA 95688** **Physician's and Surgeon's Certificate No. A 88782,** Respondent.	Case No. 800-2019-054798 **A C C U S A T I O N**

PARTIES

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

2. On or about September 3, 2004, the Board issued Physician's and Surgeon's Certificate Number A 88782 to Rebecca Lynne Darsey, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2021, unless renewed.

///

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code states:

"(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

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

"(2) Have his or her right to practice suspended for a period not to exceed one year 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.

"(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by 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.

"(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1."

5. Section 2220 of the Code states:

"Except as otherwise provided by law, the board may take action against all persons guilty of violating this chapter. The board shall enforce and administer this article as to physician and surgeon certificate holders, including those who hold certificates that do not permit them to practice medicine, such as, but not limited to, retired, inactive, or disabled status certificate

holders, and the board shall have all the powers granted in this chapter for these purposes including, but not limited to:

"(a) Investigating complaints from the public, from other licensees, from health care facilities, or from the board that a physician and surgeon may be guilty of unprofessional conduct. The board shall investigate the circumstances underlying a report received pursuant to Section 805 or 805.01 within 30 days to determine if an interim suspension order or temporary restraining order should be issued. The board shall otherwise provide timely disposition of the reports received pursuant to Section 805 and Section 805.01.

"(b) Investigating the circumstances of practice of any physician and surgeon where there have been any judgments, settlements, or arbitration awards requiring the physician and surgeon or his or her professional liability insurer to pay an amount in damages in excess of a cumulative total of thirty thousand dollars ($30,000) with respect to any claim that injury or damage was proximately caused by the physician's and surgeon's error, negligence, or omission.

"(c) Investigating the nature and causes of injuries from cases which shall be reported of a high number of judgments, settlements, or arbitration awards against a physician and surgeon."

6. Section 820 of the Code states:

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

7. Section 822 of the Code states:

"If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

"(a) Revoking the licentiate's certificate or license.

"(b) Suspending the licentiate's right to practice.

"(c) Placing the licentiate on probation.

"(d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

"The licensing section shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated."

CAUSE FOR RESTRICTION AND/OR REVOCATION
(Mental or Physical Illness Affecting Competency to Practice Medicine)

8. Respondent's Physician's and Surgeon's Certificate No. A 88782 is subject to action under section 822 of the Code, in that her ability to practice medicine safely is impaired, because she is mentally or physically ill, affecting competency, as more particularly alleged hereinafter.

9. On or about April 4, 2019, the Board received a Subsequent Arrest Notification, which stated that Respondent was arrested on April 3, 2019, for 31 counts of Animal Cruelty (Penal Code, section 597 (A)) and 1 count of Willful Cruelty to a Child (Penal Code, section 273 (A)). The circumstances are as follows:

11. On or about January 16, 2019, the Yolo County Sherriff's Office (YCSO) received a phone call requesting a welfare check on a large number of animals in Respondent's home. The caller stated that Respondent had over twenty (20) animals living in her home, such as, cats, dogs, and exotic birds. The caller additionally expressed concern for the welfare of Respondent's 10-year-old son, who also lived at the residence.

12. Following the complaint, investigators searched the Yolo County Animal services database and found that Respondent had one cat and two dogs registered under her name. However, following a conversation with the office manager at the veterinary clinic, used by Respondent, investigators were informed that Respondent had brought in 21 different animals for veterinary treatment. The office manager additionally told the investigator that during Respondent's visits, the animals were often unkempt and exhibited a variety of illnesses.

13. On January 22, 2019, YCSO officers went to Respondent's home. Upon entering the home, the strong smell of pet urine and feces caused difficulty breathing. Respondent's home was in disarray with clothes laying all over the place and bird cages full of excrement, dog kennels with feces in them and three large cats running around on the counters of the kitchen. There were several large bird cages—full of feces—sitting on top of the table, on the floor and on other kennels. There were nine cat litter boxes full of fecal matter, which appeared not to have been cleaned in several days. Following the visit, YCSO officers shared their concerns with Respondent and informed her that they would follow-up with her on or about January 29, 2019.

14. On or about January 25, 2019, Respondent contacted YCSO and cancelled the appointment and said she would follow up the next week. However, Respondent never reconnected with YCSO.

15. On or about March 15, 2019, an acquaintance of Respondent (Witness 1) contacted YCSO and expressed concern regarding Respondent's treatment of the animals in her home. She additionally stated that Respondent's son (Son) was unable to sleep in his own room, due to it being used to house animals.

16. On or about April 3, 2019, YCSO served a search warrant and arrested Respondent for Penal Code, section 21310, on 31 counts of Animal Cruelty (Penal Code, section 597 (A)) and 1 count of Willful Cruelty to a Child (Penal Code, section 273 (A)). During the arrest YCSO officers noted that the home had an "overwhelming" smell of urine and feces. Officers additionally noted that the condition of the premises was dirty and unsafe. During the search, six dead kittens were found in Respondent's freezer. Following the YCSO search, an officer from Child Protective Services (CPS), was contacted and arrived at the scene. Son was then taken to protective custody and placed under the care of his father.

17. During YCSO's search of the home, officers located 24 cats (6 deceased), 5 dogs, and 8 exotic birds on the property. Following the search, Respondent was taken into custody, and on or about April 4, 2019, the YCSO notified the Board of Respondent's arrest.

18. On June 12, 2019, the Yolo County District Attorney's Office declined to file criminal charges against Respondent.

19. Based on concerns regarding the above information, the Board requested that Respondent participate in a voluntary mental evaluation—pursuant to Business and Professions Code, section 820—in in order to determine whether Respondent's ability to practice medicine safely is impaired due to a mental illness. On or about April 23, 2021, Respondent signed a voluntary agreement to participate in a mental examination by a Board-appointed psychiatrist (Dr. W.).

20. On June 26, 2021, following her psychiatric evaluation of Respondent and review of the relevant materials, Dr. W. submitted a report, which contained the following findings and opinions:

A. Dr. W. found that Respondent suffered from Adjustment Disorder with Mixed Anxiety Disorder and Depressed Mood. She further found that either Respondent's distress is out of proportion to the severity of the stressor, or that there is significant impairment in social, occupational, or other important areas of functioning. Respondent reached a point where she was unable to work or take care of her household. With the reactivation of these issues due to the Board investigation, she is again having symptoms of depression and anxiety.

B. Dr. W. found that even with medication, Respondent's current screening for depression is at the top of the normal range with a score of 4. She describes ongoing anxiety symptoms currently and her GAD-7 (screening for Generalized Anxiety Disorder) is elevated with a score of 6. She denies current depressed mood, but is on medication that could be treating both her depression and her anxiety. A clear diagnosis is not only muddled by the events and her reactions to them (e.g. the Adjustment Disorder noted above), but also by medical factors that could be contributing to her symptoms, such as her severe obstructive sleep apnea and her menopausal issues.

C. Dr. W. observed that following the aforementioned events, Respondent failed to follow up with a psychiatrist for up to seven months. Additionally, Respondent was self-prescribing prednisone, Effexor, and Maxalt, and did not have a primary care provider that was monitoring her medical conditions. Instead, Respondent appeared to be

taking herself on and off medications unsupervised.

D. Dr. W. found that although Respondent's insight and judgement have improved, she is still early in the process. Since Respondent has not been consistent with her mental health follow-up, she and her providers might not become aware if her mental health takes a downturn. Dr. W. concluded that without Board monitoring, and if Respondent's mental health deteriorated, patient care could be compromised without Respondent's intention or awareness.

E. Dr. W. further responded to the following questions:

When asked if Respondent had a mental illness or condition that impacts her ability to safely engage in the practice of medicine, Dr. W. stated, "Yes...ADHD and Anxiety Disorder as well as ongoing Adjustment disorder that could impact her ability to safely engage in the practice of medicine."

F. When asked if Respondent's presentation is possibly due to a physical illness, requiring physical examination, Dr. W. replied, "Yes...a physical examination as well as ongoing medical care by a physician are necessary."

G. When asked if Respondent was able to practice medicine safely at this time without any restrictions or conditions, Dr. W. replied, "No, although improved at present she is not able to practice medicine safely at this time without restrictions or conditions."

H. When asked if Respondent was unable to practice medicine safely as a result of a mental illness or condition, Dr. W. replied, "No, the physician is able to safely practice medicine at this time if the appropriate monitoring and conditions are met."

I. When asked if Respondent's continued practice poses a present danger or threat to the public health, welfare or safety, Dr. W. replied, "No, the physician's continued practice does not pose a threat to public health at this time, ***but there is risk that it could in the future.***" [emphasis added.]

J. When asked if Respondent has a mental illness or condition which requires monitoring, treatment, oversight, or other terms and conditions in order to practice medicine safely, Dr. W. replied, "Yes, as outlined above, she does have a mental illness or

condition that requires monitoring, treatment oversight or other terms and conditions in order to practice medicine safely."

PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 88782, issued to Respondent Rebecca Lynne Darsey, M.D.;

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

3. Ordering Respondent Rebecca Lynne Darsey, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: SEP 29 2021

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

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