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

In the Matter of the Accusation Against: Gordon Dallas Lewis, M.D. Physician's and Surgeon's Certificate No. G 24932 Respondent.	Case No.: 800-2019-061943

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 February 4, 2022.

IT IS SO ORDERED: January 6, 2022.

MEDICAL BOARD OF CALIFORNIA

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

ROB BONTA
Attorney General of California
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Attorneys for Complainant

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

In the Matter of the Accusation Against: **GORDON DALLAS LEWIS, M.D.** **430 W. Iowa Ave.** **Nampa, ID 83686-2826** **Physician's and Surgeon's Certificate** **No. G 24932** Respondent.	Case No. 800-2019-061943 OAH No. 2021040656 **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. McEwan, Deputy Attorney General.

2. Respondent Gordon Dallas Lewis, M.D. (Respondent) is represented in this proceeding by attorney Paul Chan, Esq., whose address is: 1851 Heritage Lane, Suite 128, Sacramento, CA 95815-4996.

3. On or about July 9, 1973, the Board issued Physician's and Surgeon's Certificate No. G 24932 to Gordon Dallas Lewis, 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. 800-2019-061943, and will expire on June 30, 2023, unless renewed.

JURISDICTION

4. Accusation No. 800-2019-061943 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 February 5, 2021. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2019-061943 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2019-061943. Respondent has also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his 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 him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

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

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2019-061943, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

10. Respondent does not contest that, at an administrative hearing, complainant could establish a prima facie case with respect to the charges and allegations in Accusation No. 800-2019-061943, a true and correct copy of which is attached hereto as Exhibit A, and that he has thereby subjected his Physician's and Surgeon's Certificate No. G 24932 to disciplinary action.

11. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

12. 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 his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his 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.

13. Respondent agrees that if he ever petitions for early termination or modification of probation, or if an accusation and/or petition to revoke probation is filed against him before the Board, all of the charges and allegations contained in Accusation No. 800-2019-061943 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.

14. 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.

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15. 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. G 24932 issued to Respondent Gordon Dallas Lewis, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions:

1. EDUCATION COURSE. Within 60 calendar days of the effective date of this Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee for its prior approval educational program(s) or course(s) which shall not be less than 40 hours per year, for each year of probation. The educational program(s) or course(s) shall be aimed at correcting any areas of deficient practice or knowledge and shall be Category I certified. The educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure. Following the completion of each course, the Board or its designee may administer an examination to test Respondent's knowledge of the course. Respondent shall provide proof of attendance for 65 hours of CME of which 40 hours were in satisfaction of this condition.

2. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in medical record keeping 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 medical record keeping course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A medical record keeping 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.

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

A professionalism program 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 program would have been approved by the Board or its designee had the program 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 program or not later than 15 calendar days after the effective date of the Decision, whichever is later.

4. PROHIBITED PRACTICE. During probation, Respondent is prohibited from performing cosmetic procedures with a fractionated CO2 laser. Respondent is further prohibited from delegating the use of a fractionated CO2 laser or a multiwave locked system (MLS) laser. After the effective date of this Decision, all patients being treated by the Respondent shall be

notified that the Respondent is prohibited from performing cosmetic procedures with a fractionated CO2 laser and prohibited delegating the use of a fractionated CO2 laser or a multiwave locked system (MLS) laser. Any new patients must be provided this notification at the time of their initial appointment.

Respondent shall maintain a log of all patients to whom the required oral notification was made. The log shall contain the: 1) patient's name, address and phone number; 2) patient's medical record number, if available; 3) the full name of the person making the notification; 4) the date the notification was made; and 5) a description of the notification given. Respondent shall keep this log in a separate file or ledger, in chronological order, shall make the log available for immediate inspection and copying on the premises at all times during business hours by the Board or its designee, and shall retain the log for the entire term of probation.

5. 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.

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

7. 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.

8. 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.

9. 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.

10. 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.

11. 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 Board'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.

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

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

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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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. 800-2019-061943 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, Paul Chan. 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: 11-18-2021

GORDON DALLAS LEWIS, M.D.
Respondent

I have read and fully discussed with Respondent Gordon Dallas Lewis, 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: 11-18-21

PAUL CHAN, ESQ.
Attorney for Respondent

ENDORSEMENT

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

DATED: 11/18/2021

Respectfully submitted,

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

RYAN J. MCEWAN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

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Attorneys for Complainant

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

In the Matter of the Accusation Against: **Gordon Dallas Lewis, M.D.** **430 W. Iowa Ave.** **Nampa, ID 83686-2826** **Physician's and Surgeon's Certificate No. G 24932,** Respondent.	Case No. 800-2019-061943 **ACCUSATION**

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 July 9, 1973, the Medical Board issued Physician's and Surgeon's Certificate No. G 24932 to Gordon Dallas Lewis, 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 June 30, 2021, unless renewed.

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JURISDICTION

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

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

5. Section 2234 of the Code, states:

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

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

"(b) Gross negligence.

"(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

"(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

"(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

"(d) Incompetence.

"(e) The commission of any act involving dishonesty or corruption that is substantially related to the qualifications, functions, or duties of a physician and surgeon.

"(f) Any action or conduct that would have warranted the denial of a certificate.

"(g) The failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board."

6. Section 2264 of the Code states:

"The employing, directly or indirectly, the aiding, or the abetting of any unlicensed person or any suspended, revoked, or unlicensed practitioner to engage in the practice of medicine or any other mode of treating the sick or afflicted which requires a license to practice constitutes unprofessional conduct."

7. Section 2266 of the Code states: "The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct."

8. Section 2051 of the Code states:

"The physician's and surgeon's certificate authorizes the holder to use drugs or devices in or upon human beings and to sever or penetrate the tissue of human beings and to use any and all other methods in the treatment of diseases, injuries, deformities, and other physical and mental conditions."

9. Section 2052 of the Code states:

"(a) Notwithstanding Section 146, any person who practices or attempts to practice, or who advertises or holds himself or herself out as practicing, any system or mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other physical or mental condition of any person, without having at the time of so doing a valid, unrevoked, or unsuspended certificate as provided in this chapter [Chapter 5, the Medical Practice Act], or without being authorized to

perform the act pursuant to a certificate obtained in accordance with some other provision of law, is guilty of a public offense, punishable by a fine not exceeding ten thousand dollars ($10,000), by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, by imprisonment in a county jail not exceeding one year, or by both the fine and either imprisonment.

"(b) Any person who conspires with or aids or abets another to commit any act described in subdivision (a) is guilty of a public offense, subject to the punishment described in that subdivision.

"(c) The remedy provided in this section shall not preclude any other remedy provided by law."

10. Section 7320.5 of the Code—which is part of the Barbering and Cosmetology Act—states: "Any licensee who uses a laser in the treatment of any human being is guilty of a misdemeanor."

FACTUAL ALLEGATIONS

11. On February 14, 2018, the Medical Board received a complaint from Patient A,[1] stating that Breanna Letcher conducted a facial laser procedure on her without a medical license at the ReGenesis Health Centre (RHC) in Auburn, California. Patient A further stated that the procedure caused extreme swelling to her face with blisters all over her face, neck, and chest. She made multiple visits to the Emergency Room at Kaiser Permanente in Roseville, California, and another visit to a plastic surgeon at Kaiser Permanente in Sacramento, California, as a result of the laser procedure.

12. During the Board's investigation into Patient A's complaint, Board investigators interviewed Patient A and obtained her medical records. Patient A stated that she first went to RHC for laser treatments due to chronic back pain. Ms. Letcher and the receptionist W.D. each performed laser treatments. Patient A stated that the owner of RHC, Dorothy Lewis, convinced her to receive facial laser treatments. Patient A purchased three DekaDot treatments, referring to the fractionated CO2 laser used to perform the treatment. She ultimately received only one facial

[1] The patient's name is omitted to protect privacy. It will be provided in discovery.

laser treatment (performed by Ms. Letcher) because of the ill effects described in her complaint to the Board. Following the facial laser treatment performed by Ms. Letcher, Patient A's skin still gets very irritable and crepey when she goes outside in the sun. She stated that she never saw any doctors at RHC during her multiple visits.

13. After multiple undercover operations described in detail below, the Board obtained Patient A's medical records from RHC. Those records consist of 15 total pages—most of which are undated and unsigned. Several records appear to be after-the-fact statements written by Ms. Letcher. In any event, the records provided indicate that, from December 14, 2017 through January 22, 2018, Patient A received 4 treatments with the M6 laser, which is also known as a MLS M6 Diode Therapy Laser.[2] The medical records do not document who performed the MLS laser treatments for Patient A's back pain.

14. On or about January 19, 2018, Patient A picked up a prescription written by Respondent for benzocaine/lidocaine/tetracaine (20/8/4) cream, which is a prescription strength topical anesthesia cream. On or about January 22, 2018, Patient A received a treatment with the DekaDot laser (or fractionated CO2 laser)[3] performed by Ms. Letcher at RHC. In the medical records, there is no signed consent form for the DekaDot procedure, no documentation of the prescription, no documentation of the preoperative discussion or recommendations, no documentation about who performed the procedure, and no signature.

15. Patient A's medical records from RHC include a typewritten "client progress and communications" log that appears to be written after-the-fact, and is undated and unsigned. It is documented that the patient had "postules" on January 24, 2018, and that the patient was told, "It's normal." Dorothy Lewis told Patient A that she might be reacting to Kool Down, a product made of aloe and lidocaine that was applied after the procedure. It is also documented that, on

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[2] It is a diode laser that has multiple biological effects, including photochemical, photothermal, and photomechanical effects.

[3] It is an aggressive, ablative laser device. There is a greater danger associated with this device and it requires greater caution when using it. It can affect the structure and function of tissue. Risks including scarring, depigmentation, permanent disfigurement, alteration of tissue function, and infection. It is generally used only by dermatologists or plastic surgeons with special expertise in laser treatments, and is sometimes done by other specialists in cosmetic/esthetic medicine.

January 25, 2018, Ms. Letcher advised Patient A to "drink water," as it helps the skin to heal faster.

16. In addition, Patient A provided undated photos taken after the DekaDot laser treatment. Some photos show that the face, neck, and chest are red, edematous, and studded with postules, which are consistent with a postoperative infection. Some photos show the postules resolved but the swelling and erythema are intense. The degree of erythema and swelling on the neck and chest is severe and abnormal after this type of procedure.

17. After complaining to RHC staff (primarily Ms. Letcher) about her condition and finding them unhelpful, Patient A went to the Kaiser Permanente Emergency Room in Roseville, California, on or about January 24, 2018. She described her pain as a severity of 9, and had a facial and neck burn (but no infection). The emergency department physician recommended that she follow-up with her RHC provider.

18. On or about January 27, 2018, Patient A presented to the Kaiser Permanente Emergency Room again. She was noted to have healing first-degree burns and advised to follow-up with RHC. She was prescribed Anecream 4% and diphenhydramine.

19. On or about February 5, 2018, Patient A visited a plastic surgeon at Kaiser Permanente in Sacramento, California. The physician noted that the patient's face was pink and there was persistent hyperemia. She described Patient A as having first-second degree burns, and did not recommend any treatment besides moisturizer or sunscreen. Patient A shared that she did not think there was a medical provider at RHC, and the physician encouraged Patient A to report it to the Board.

20. On or about May 7, 2018, following Patient A's complaint to the Board, an investigator visited RHC to gather intelligence information undercover. The receptionist W.D. explained the different types of lasers and the treatments offered to the public. She further stated that Ms. Letcher, Dorothy Lewis, and W.D. all provide laser treatments to patients. She also stated that Dorothy Lewis and her husband, a surgeon, own RHC, but the doctor works in Stockton, California.

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21. On or around the same day, the Board investigator obtained a copy of the RHC business license information from the City of Auburn. It listed Dorothy Lewis and Respondent as the owners (and Dorothy Lewis as the CEO as well). The City of Auburn issued the license (No. 26679) on July 1, 2017. The Board investigator also obtained the Statement of Information for a limited liability company from the California Secretary of State for RHC. The April 2017 Statement of Information described RHC as "Health care – Medical Doctors"; however, a second such form was filed again in June 2017 describing the business as "Health Care and Social Assistance." Respondent and Dorothy L. Lewis are listed as the company managers.

22. On June 13, 2019, the Board investigator again visited RHC undercover where he spoke with Ms. Letcher regarding pain treatment. Ms. Letcher gave the investigator patient forms that included a standard medical history: chief complaint, history of present illness, past medical history, surgical history, social history, medications, family history, review of systems. Ms. Letcher stated that, on the first appointment, a patient needs to be evaluated by the doctor who is available on Wednesdays and Thursdays. Following that appointment, she stated that the staff can apply the laser treatments. Ms. Letcher provided her business card, which listed her titles as MA, Phlebotomist, and Aesthetician.[4]

23. On or about October 14, 2019, the Board investigator called RHC to schedule a consultation appointment for cosmetic services for a female patient. The Board Investigator was told that RHC had discontinued the cosmetic laser services but still used lasers to provide pain treatment.

24. On or about October 14, 2019, two Board investigators conducted an undercover operation at RHC. They were provided a health questionnaire, and one investigator wrote "hip discomfort" in the form. Ms. Letcher called the investigators to a consultation room where she reviewed the information and stated, "May be arthritis." Ms. Letcher then recommended laser treatment. During the consultation, Ms. Letcher also stated: that she used to do laser facials but

[4] Ms. Letcher is licensed by the California Board of Barbering and Cosmetology as an esthetician under the name of Breanna Lauren Johnson. As noted above, under Code section 7320.5, any licensee of the California Board of Barbering and Cosmetology who uses a laser in the treatment of any human being is guilty of a misdemeanor.

stopped after a very bad experience with a client; and that there were four individuals at RHC who could do laser treatments. They scheduled a laser pain treatment for the investigator's purported hip discomfort.

25. On or about November 4, 2019, the same two Board investigators conducted an undercover operation at RHC. The investigators paid $115.00 in cash for the laser treatment. Ms. Letcher then brought the investigators to the laser room where they were also accompanied by a medical assistant so that Ms. Letcher could train her how to use the laser machine. The investigator asked Ms. Letcher who would apply the laser. Ms. Letcher confirmed that she would do it (rather than the medical assistant in training). As Ms. Letcher prepared to start the laser application, the investigators identified themselves as police officers from the State of California.

26. Once the undercover ended, the investigators—along with several other colleagues—conducted interviews of the RHC employees. During the interview of Ms. Letcher, she stated the following:

- She is a medical assistant and phlebotomist.
- She trains the staff to use the MLS laser, and that other staff members use the lasers.
- Patients who pay cash do not have to see the doctor and can go straight to treatment. Patients who use insurance, however, have to see the doctor for a consultation before being treated.
- She does not request patient medical records from previous practitioners before treating the patients for pain.
- Respondent, who is Ms. Letcher's step-dad, works on a part-time basis, and that RHC employs a nurse practitioner who is "kind of like an on-call" to fill-in for Respondent.
- She stopped performing cosmetic procedures due to an incident with Patient A.
- She was about to use the MLS laser on the investigator before they identified themselves.

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27. On or about November 4, 2019, after the undercover ended, Board investigators also interviewed Respondent. He stated that he had recently retired from Kaiser in June 2019. Before retiring, he worked at Kaiser in Modesto and Stockton four days/week for 10-hour shifts. He stated that he does not do the laser treatments. Instead, the medical assistants perform the laser treatments. When asked about the cosmetic laser used for DekaDot treatments, Respondent denied that it is a CO2 laser. Respondent was unable to estimate how many patients receive laser treatments per week, and he could not recall the names of staff who use the lasers.

28. On or about November 4, 2019, after the undercover ended, Board investigators also interviewed B.C., a medical assistant who had been employed at RHC for approximately one year. She stated that, in addition to many other tasks, she operated the MLS laser without assistance from others and that she learned to use the machine by training with Ms. Letcher.

29. On or about November 22, 2019, Board investigators interviewed A.M., another medical assistant employed by RHC. She stated that she operated the MLS laser an average of five times per week, and that she learned how to operate the machine by observing Ms. Letcher for one month during patient treatments. She denied receiving formal laser training.

30. On or about December 6, 2019, Board investigators interviewed M.B., a nurse practitioner employed by RHC. She stated that she did not have training to use the laser machines. She stated that she did not have a working contract with Respondent.

FIRST CAUSE FOR DISCIPLINE

(Aiding and Abetting the Unlicensed Practice of Medicine)

31. Respondent's license is subject to disciplinary action under Code sections 2234, 2052, and 2264 in that he aided and abetted the unlicensed practice of medicine. The circumstances are set forth in Paragraphs 11 through 30, above, which are hereby incorporated by reference and realleged as if fully set forth herein. Additional circumstances are as follows:

32. Respondent aided and abetted the unlicensed practice of medicine for his acts and omissions, including but not limited to:

A. Allowing Ms. Letcher to perform DekaDot treatments using a fractionated CO2 laser;

B. Allowing Ms. Letcher and other medical assistants to treat pain using the MLS laser;

C. Allowing Ms. Letcher to train other medical assistants on how to perform MLS laser treatments; and

D. Allowing medical assistants to use Respondent's medical license to call in prescriptions when he had not assessed the patient, including Patient A.

SECOND CAUSE FOR DISCIPLINE

(Gross Negligence)

33. Respondent's license is subject to disciplinary action under section 2234, subdivision (b), of the Code, in that he committed gross negligence by allowing Ms. Letcher to perform cosmetic DekaDot treatments using a high-risk laser (the fractionated CO2 laser), as more particularly alleged in Paragraphs 11 through 32, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

THIRD CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

34. Respondent's license is subject to disciplinary action under section 2234, subdivision (c), of the Code, in that he committed repeated negligent acts, as more particularly alleged in paragraphs 11 through 33, above, which are hereby incorporated by reference and realleged as if fully set forth herein. Additional circumstances are as follows:

35. Respondent committed repeated negligent acts, including but not limited to:

A. Allowing Ms. Letcher to perform DekaDot treatments using a fractionated CO2 laser;

B. Allowing Ms. Letcher and other medical assistants to treat pain using the MLS laser;

C. Supervising Ms. Letcher's use of the fractionated CO2 laser—a device that he is unqualified to use (or supervise);

D. Failing to have a plan to manage complications and failing to manage complications resulting from the CO2 laser treatment on Patient A;

E. Allowing Ms. Letcher to train other medical assistants to perform MLS laser treatments;

F. Allowing medical assistants to use Respondent's medical license to call in prescriptions when he had not assessed the patient, including Patient A; and

G. Maintaining inadequate medical records for Patient A.

FOURTH CAUSE FOR DISCIPLINE

(Failure to Maintain Adequate and Accurate Records)

36. Respondent's license is subject to disciplinary action under section 2266 of the Code in that he failed to maintain adequate and accurate medical records relating to the care and treatment of Patient A, as more particularly alleged in paragraphs 11 through 35, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

FIFTH CAUSE FOR DISCIPLINE

(General Unprofessional Conduct)

37. Respondent's license is subject to disciplinary action under sections 2227 and 2234 of the Code in that he has engaged in conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine, as more particularly alleged in paragraphs 11 through 36, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate No. G 24932, issued to Gordon Dallas Lewis, M.D.;

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

3. Ordering Gordon Dallas Lewis, 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: FEB 0 5 2021

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

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