

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

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

Lawrence Walter Chespak, M.D.

**Physician's and Surgeon's
Certificate No. G 62697**

Case No.: 800-2021-075223

Respondent.

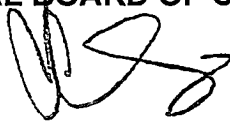
DECISION

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

This Decision shall become effective at 5:00 p.m. on July 19, 2023.

IT IS SO ORDERED: June 19, 2023.

MEDICAL BOARD OF CALIFORNIA



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

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 LATRICE R. HEMPHILL
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7

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

12 In the Matter of the Accusation Against:

Case No. 800-2021-075223

13 **LAWRENCE WALTER CHESPAK, M.D.**
14 **1158 South Westlake Blvd., Suite A**
Westlake, CA 91361

OAH No. 2022070011

15 **Physician's and Surgeon's Certificate No. G**
16 **62697,**

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

17 Respondent.

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

21 **PARTIES**

22 1. Reji Varghese (Complainant) is the Deputy Director of the Medical Board of
23 California (Board). He brought this action solely in his official capacity and is represented in this
24 matter by Rob Bonta, Attorney General of the State of California, by Latrice R. Hemphill, Deputy
25 Attorney General.

26 2. Respondent Lawrence Walter Chespak, M.D. (Respondent) is represented in this
27 proceeding by attorney Raymond J. McMahon, Esq., whose address is: 5440 Trabuco Road,
28 Irvine, CA 92620.

3. On or about April 25, 1988, the Board issued Physician's and Surgeon's Certificate No. G 62697 to 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. 800-2021-075223, and will expire on February 29, 2024, unless renewed.

JURISDICTION

4. Accusation No. 800-2021-075223 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 April 22, 2022. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2021-075223 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. 800-2021-075223. 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. 800-2021-075223, 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. 800-2021-075223, 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 62697 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. 800-2021-075223 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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1 15. In consideration of the foregoing admissions and stipulations, the parties agree that
2 the Board may, without further notice or opportunity to be heard by Respondent, issue and enter
3 the following Disciplinary Order:

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 62697 issued
6 to Respondent LAWRENCE WALTER CHESPAK, M.D. is revoked. However, the revocation is
7 stayed and Respondent is placed on probation for five (5) years on the following terms and
8 conditions:

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

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

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

21 3. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this Decision,
22 Respondent shall submit to the Board or its designee for prior approval the name and
23 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who
24 has a doctoral degree in psychology and at least five years of postgraduate experience in the
25 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall
26 undergo and continue psychotherapy treatment, including any modifications to the frequency of
27 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

28 The psychotherapist shall consider any information provided by the Board or its designee

1 and any other information the psychotherapist deems relevant and shall furnish a written
2 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
3 psychotherapist with any information and documents that the psychotherapist may deem
4 pertinent.

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

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

13 4. CLINICAL DIAGNOSTIC EVALUATIONS AND REPORTS: Within thirty (30)
14 calendar days of the effective date of this Decision, and on whatever periodic basis thereafter as
15 may be required by the Board or its designee, Respondent shall undergo and complete a clinical
16 diagnostic evaluation, including any and all testing deemed necessary, by a Board-appointed
17 board certified physician and surgeon. The examiner shall consider any information provided by
18 the Board or its designee and any other information he or she deems relevant, and shall furnish a
19 written evaluation report to the Board or its designee.

20 The clinical diagnostic evaluation shall be conducted by a licensed physician and surgeon
21 who holds a valid, unrestricted license, has three (3) years' experience in providing evaluations of
22 physicians and surgeons with substance abuse disorders, and is approved by the Board or its
23 designee. The clinical diagnostic evaluation shall be conducted in accordance with acceptable
24 professional standards for conducting substance abuse clinical diagnostic evaluations. The
25 evaluator shall not have a current or former financial, personal, or business relationship with
26 Respondent within the last five (5) years. The evaluator shall provide an objective, unbiased, and
27 independent evaluation. The clinical diagnostic evaluation report shall set forth, in the
28 evaluator's opinion, whether Respondent has a substance abuse problem, whether Respondent is a

1 threat to himself or others, and recommendations for substance abuse treatment, practice
2 restrictions, or other recommendations related to Respondent's rehabilitation and ability to
3 practice safely. If the evaluator determines during the evaluation process that Respondent is a
4 threat to himself or others, the evaluator shall notify the Board within twenty-four (24) hours of
5 such a determination.

6 In formulating his or her opinion as to whether Respondent is safe to return to either part-
7 time or full-time practice and what restrictions or recommendations should be imposed, including
8 participation in an inpatient or outpatient treatment program, the evaluator shall consider the
9 following factors: Respondent's license type; Respondent's history; Respondent's documented
10 length of sobriety (i.e., length of time that has elapsed since Respondent's last substance use);
11 Respondent's scope and pattern of substance abuse; Respondent's treatment history, medical
12 history and current medical condition; the nature, duration and severity of Respondent's
13 substance abuse problem or problems; and whether Respondent is a threat to himself or the
14 public.

15 For all clinical diagnostic evaluations, a final written report shall be provided to the Board
16 no later than ten (10) days from the date the evaluator is assigned the matter. If the evaluator
17 requests additional information or time to complete the evaluation and report, an extension may
18 be granted, but shall not exceed thirty (30) days from the date the evaluator was originally
19 assigned the matter.

20 The Board shall review the clinical diagnostic evaluation report within five (5) business
21 days of receipt to determine whether Respondent is safe to return to either part-time or full-time
22 practice and what restrictions or recommendations shall be imposed on Respondent based on the
23 recommendations made by the evaluator. Respondent shall not be returned to practice until he
24 has at least thirty (30) days of negative biological fluid tests or biological fluid tests indicating
25 that he has not used, consumed, ingested, or administered to himself a prohibited substance, as
26 defined in section 1361.51, subdivision (e), of Title 16 of the California Code of Regulations.

27 Clinical diagnostic evaluations conducted prior to the effective date of this Decision shall
28 not be accepted towards the fulfillment of this requirement. The cost of the clinical diagnostic

1 evaluation, including any and all testing deemed necessary by the examiner, the Board or its
2 designee, shall be borne by the licensee.

3 Respondent shall not engage in the practice of medicine until notified by the Board or its
4 designee that he is fit to practice medicine safely. The period of time that Respondent is not
5 practicing medicine shall not be counted toward completion of the term of probation. Respondent
6 shall undergo biological fluid testing as required in this Decision at least two (2) times per week
7 while awaiting the notification from the Board if he is fit to practice medicine safely.

8 Respondent shall comply with all restrictions or conditions recommended by the examiner
9 conducting the clinical diagnostic evaluation within fifteen (15) calendar days after being notified
10 by the Board or its designee.

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

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

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

1 basis. The cost of biological fluid testing shall be borne by Respondent.

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

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

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

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

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

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

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

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

28 (g) Its testing locations possess all the materials, equipment, and technical expertise

1 necessary in order to test Respondent on any day of the week.

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

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

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

7 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff
8 access to drug test results and compliance reporting information that is available 24 hours a
9 day.

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

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

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

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

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

24 If a biological fluid test result indicates Respondent has used, consumed, ingested, or
25 administered to himself a prohibited substance, the Board shall order Respondent to cease
26 practice and instruct Respondent to leave any place of work where Respondent is practicing
27 medicine or providing medical services. The Board shall immediately notify all of Respondent's
28 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or

1 provide medical services while the cease-practice order is in effect.

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

5 After the issuance of a cease-practice order, the Board shall determine whether the positive
6 biological fluid test is in fact evidence of prohibited substance use by consulting with the
7 specimen collector and the laboratory, communicating with the licensee, his or her treating
8 physician(s), other health care provider, or group facilitator, as applicable.

9 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the
10 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

11 For purposes of this condition, the term "prohibited substance" means an illegal drug, a
12 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by
13 Respondent and approved by the Board, alcohol, or any other substance Respondent has been
14 instructed by the Board not to use, consume, ingest, or administer to himself.

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

20 7. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days of
21 the effective date of this Decision, Respondent shall submit to the Board or its designee, for its
22 prior approval, the name of a substance abuse support group which he shall attend for the duration
23 of probation. Respondent shall attend substance abuse support group meetings at least once per
24 week, or as ordered by the Board or its designee. Respondent shall pay all substance abuse
25 support group meeting costs.

26 The facilitator of the substance abuse support group meeting shall have a minimum of three
27 (3) years experience in the treatment and rehabilitation of substance abuse, and shall be licensed
28 or certified by the state or nationally certified organizations. The facilitator shall not have a

1 current or former financial, personal, or business relationship with Respondent within the last five
2 (5) years. Respondent's previous participation in a substance abuse group support meeting led by
3 the same facilitator does not constitute a prohibited current or former financial, personal, or
4 business relationship.

5 The facilitator shall provide a signed document to the Board or its designee showing
6 Respondent's name, the group name, the date and location of the meeting, Respondent's
7 attendance, and Respondent's level of participation and progress. The facilitator shall report any
8 unexcused absence by Respondent from any substance abuse support group meeting to the Board,
9 or its designee, within twenty-four (24) hours of the unexcused absence.

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

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

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

26 Respondent shall pay all worksite monitoring costs.

27 The worksite monitor shall have face-to-face contact with Respondent in the work
28 environment on as frequent a basis as determined by the Board or its designee, but not less than

1 once per week; interview other staff in the office regarding Respondent's behavior, if requested
2 by the Board or its designee; and review Respondent's work attendance.

3 The worksite monitor shall verbally report any suspected substance abuse to the Board and
4 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected
5 substance abuse does not occur during the Board's normal business hours, the verbal report shall
6 be made to the Board or its designee within one (1) hour of the next business day. A written
7 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and
8 any other information deemed important by the worksite monitor shall be submitted to the Board
9 or its designee within 48 hours of the occurrence.

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

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

1 9. **VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING**
2 **LICENSEES** . Failure to fully comply with any term or condition of probation is a violation of
3 probation.

4 A. If Respondent commits a major violation of probation as defined by section
5 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
6 one or more of the following actions:

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

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

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

19 B. If Respondent commits a minor violation of probation as defined by section
20 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
21 one or more of the following actions:

22 (1) Issue a cease-practice order;

23 (2) Order practice limitations;

24 (3) Order or increase supervision of Respondent;

25 (4) Order increased documentation;

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

27 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in
28 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of

1 Regulations, at Respondent's expense;

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

3 C. Nothing in this Decision shall be considered a limitation on the Board's authority
4 to revoke Respondent's probation if he has violated any term or condition of probation. If
5 Respondent violates probation in any respect, the Board, after giving Respondent notice and the
6 opportunity to be heard, may revoke probation and carry out the disciplinary order that was
7 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed
8 against Respondent during probation, the Board shall have continuing jurisdiction until the matter
9 is final, and the period of probation shall be extended until the matter is final.

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

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

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

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

25 13. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
26 ordered to reimburse the Board its costs of investigation and enforcement in the amount of
27 \$13,125.60 (thirteen thousand one hundred twenty-five dollars and sixty cents). Costs shall be
28 payable to the Medical Board of California. Failure to pay such costs shall be considered a

1 violation of probation.

2 Payment must be made in full within 30 calendar days of the effective date of the Order, or
3 by a payment plan approved by the Medical Board of California. Any and all requests for a
4 payment plan shall be submitted in writing by Respondent to the Board. Failure to comply with
5 the payment plan shall be considered a violation of probation.

6 The filing of bankruptcy by respondent shall not relieve Respondent of the responsibility to
7 repay investigation and enforcement costs.

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

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

13 15. GENERAL PROBATION REQUIREMENTS.

14 Compliance with Probation Unit

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

16 Address Changes

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

22 Place of Practice

23 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
24 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
25 facility.

26 License Renewal

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

1 Travel or Residence Outside California

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

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

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

11 17. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
12 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
13 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
14 defined as any period of time Respondent is not practicing medicine as defined in Business and
15 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
16 patient care, clinical activity or teaching, or other activity as approved by the Board. If
17 Respondent resides in California and is considered to be in non-practice, Respondent shall
18 comply with all terms and conditions of probation. All time spent in an intensive training
19 program which has been approved by the Board or its designee shall not be considered non-
20 practice and does not relieve Respondent from complying with all the terms and conditions of
21 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
22 on probation with the medical licensing authority of that state or jurisdiction shall not be
23 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
24 period of non-practice.

25 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
26 months, Respondent shall successfully complete the Federation of State Medical Boards' Special
27 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
28 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; Abstain from the Use of Alcohol and/or Controlled Substances; and Biological Fluid Testing..

18. 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. This term does not include cost recovery, which is due within 30 calendar days of the effective date of the Order, or by a payment plan approved by the Medical Board and timely satisfied. Upon successful completion of probation, Respondent’s certificate shall be fully restored.

19. 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.

20. 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 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

1 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
2 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
3 application shall be treated as a petition for reinstatement of a revoked certificate.

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

9 22. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
10 a new license or certification, or petition for reinstatement of a license, by any other health care
11 licensing action agency in the State of California, all of the charges and allegations contained in
12 Accusation No. 800-2021-075223 shall be deemed to be true, correct, and admitted by
13 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
14 restrict license.

15 ACCEPTANCE

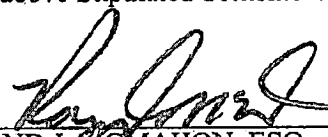
16 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
17 discussed it with my attorney, Raymond J. McMahon, Esq. I understand the stipulation and the
18 effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated
19 Settlement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

21
22 DATED: 2-3-23


23 LAWRENCE WALTER CHESPAK, M.D.
Respondent

24 I have read and fully discussed with Respondent Lawrence Walter Chespak, M.D. the terms
25 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
26 Order. I approve its form and content.

27 DATED: February 13, 2023


28 RAYMOND J. MCMAHON, ESQ.
Attorney for Respondent

1 **ENDORSEMENT**

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

4 DATED: February 14, 2023

5 Respectfully submitted,

6 ROB BONTA
7 Attorney General of California
8 JUDITH T. ALVARADO
9 Supervising Deputy Attorney General

10 

11 LATRICE R. HEMPHILL
12 Deputy Attorney General
13 *Attorneys for Complainant*

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Exhibit A

Accusation No. 800-2021-075223

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 LATRICE R. HEMPHILL
Deputy Attorney General
4 State Bar No. 285973
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6198
6 Facsimile: (916) 731-2117
Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

Case No. 800-2021-075223

13 **LAWRENCE WALTER CHESPAK, M.D.**
14 **1158 South Westlake Blvd., Suite A**
Westlake Village, CA 91361-1906

A C C U S A T I O N

15 **Physician's and Surgeon's Certificate**
16 **No. G 62697,**

17 Respondent.
18

19 **PARTIES**

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

23 2. On or about April 25, 1988, the Medical Board issued Physician's and Surgeon's
24 Certificate Number G 62697 to Lawrence Walter Chespak, M.D. (Respondent). The Physician's
25 and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
26 herein and will expire on February 28, 2024, unless renewed.

27 ///

28 ///

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 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 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 2236 of the Code states:

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

(b) The district attorney, city attorney, or other prosecuting agency shall notify the Medical Board of the pendency of an action against a licensee charging a felony or misdemeanor immediately upon obtaining information that the defendant is a licensee. The notice shall identify the licensee and describe the crimes charged and the facts alleged. The prosecuting agency shall also notify the clerk of the court in which the action is pending that the defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds a license as a physician and surgeon.

(c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours after the conviction, transmit a certified copy of the record of conviction to the board. The division may inquire into the circumstances surrounding the commission of a crime in order to fix the degree of discipline or to determine if the conviction is of an offense substantially related to the qualifications, functions, or duties of a physician and surgeon.

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

7. Section 2239 of the Code states:

(a) The use or prescribing for or administering to himself or herself, of any controlled substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely or more than

1 one misdemeanor or any felony involving the use, consumption, or
2 self-administration of any of the substances referred to in this section, or any
3 combination thereof, constitutes unprofessional conduct. The record of the
4 conviction is conclusive evidence of such unprofessional conduct.

5 (b) A plea or verdict of guilty or a conviction following a plea of nolo
6 contendere is deemed to be a conviction within the meaning of this section. The
7 Medical Board may order discipline of the licensee in accordance with Section 2227
8 or the Medical Board may order the denial of the license when the time for appeal has
9 elapsed or the judgment of conviction has been affirmed on appeal or when an order
10 granting probation is made suspending imposition of sentence, irrespective of a
11 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing
12 such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or
13 setting aside the verdict of guilty, or dismissing the accusation, complaint,
14 information, or indictment.

15 8. Section 490 of the Code states:

16 (a) In addition to any other action that a board is permitted to take against a
17 licensee, a board may suspend or revoke a license on the ground that the licensee has
18 been convicted of a crime, if the crime is substantially related to the qualifications,
19 functions, or duties of the business or profession for which the license was issued.

20 (b) Notwithstanding any other provision of law, a board may exercise any
21 authority to discipline a licensee for conviction of a crime that is independent of the
22 authority granted under subdivision (a) only if the crime is substantially related to the
23 qualifications, functions, or duties of the business or profession for which the
24 licensee's license was issued.

25 (c) A conviction within the meaning of this section means a plea or verdict of
26 guilty or a conviction following a plea of nolo contendere. Any action that a board is
27 permitted to take following the establishment of a conviction may be taken when the
28 time for appeal has elapsed, or the judgment of conviction has been affirmed on
appeal, or when an order granting probation is made suspending the imposition of
sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of
the Penal Code.

(d) The Legislature hereby finds and declares that the application of this section
has been made unclear by the holding in *Petropoulos v. Department of Real Estate*
(2006) 142 Cal.App.4th 554, and that the holding in that case has placed a significant
number of statutes and regulations in question, resulting in potential harm to the
consumers of California from licensees who have been convicted of crimes.
Therefore, the Legislature finds and declares that this section establishes an
independent basis for a board to impose discipline upon a licensee, and that the
amendments to this section made by Chapter 33 of the Statutes of 2008 do not
constitute a change to, but rather are declaratory of, existing law.

9. 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 licensee's ability to
practice is impaired due to mental illness, or physical illness affecting competency,
the licensing agency may order the licensee to be examined by one or more

1 physicians and surgeons or psychologists designated by the agency. The report of the
2 examiners shall be made available to the licentiate and may be received as direct
3 evidence in proceedings conducted pursuant to Section 822.

4 10. Section 822 of the Code states:

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

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

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

11 (c) Placing the licentiate on probation.

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

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

19 REGULATORY PROVISIONS

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

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

29 COST RECOVERY

30 12. Section 125.3 of the Code states:

31 (a) Except as otherwise provided by law, in any order issued in resolution of a
32 disciplinary proceeding before any board within the department or before the
33 Osteopathic Medical Board, upon request of the entity bringing the proceeding, the
34 administrative law judge may direct a licensee found to have committed a violation or
35 violations of the licensing act to pay a sum not to exceed the reasonable costs of the
36 investigation and enforcement of the case.

37 (b) In the case of a disciplined licensee that is a corporation or a partnership; the
38 order may be made against the licensed corporate entity or licensed partnership.

1 (c) A certified copy of the actual costs, or a good faith estimate of costs where
2 actual costs are not available, signed by the entity bringing the proceeding or its
3 designated representative shall be prima facie evidence of reasonable costs of
4 investigation and prosecution of the case. The costs shall include the amount of
5 investigative and enforcement costs up to the date of the hearing, including, but not
6 limited to, charges imposed by the Attorney General.

7 (d) The administrative law judge shall make a proposed finding of the amount
8 of reasonable costs of investigation and prosecution of the case when requested
9 pursuant to subdivision (a). The finding of the administrative law judge with regard
10 to costs shall not be reviewable by the board to increase the cost award. The board
11 may reduce or eliminate the cost award, or remand to the administrative law judge if
12 the proposed decision fails to make a finding on costs requested pursuant to
13 subdivision (a).

14 (e) If an order for recovery of costs is made and timely payment is not made as
15 directed in the board's decision, the board may enforce the order for repayment in any
16 appropriate court. This right of enforcement shall be in addition to any other rights
17 the board may have as to any licensee to pay costs.

18 (f) In any action for recovery of costs, proof of the board's decision shall be
19 conclusive proof of the validity of the order of payment and the terms for payment.

20 (g) (1) Except as provided in paragraph (2), the board shall not renew or
21 reinstate the license of any licensee who has failed to pay all of the costs ordered
22 under this section.

23 (2) Notwithstanding paragraph (1), the board may, in its discretion,
24 conditionally renew or reinstate for a maximum of one year the license of any
25 licensee who demonstrates financial hardship and who enters into a formal agreement
26 with the board to reimburse the board within that one-year period for the unpaid
27 costs.

28 (h) All costs recovered under this section shall be considered a reimbursement
for costs incurred and shall be deposited in the fund of the board recovering the costs
to be available upon appropriation by the Legislature.

(i) Nothing in this section shall preclude a board from including the recovery of
the costs of investigation and enforcement of a case in any stipulated settlement.

(j) This section does not apply to any board if a specific statutory provision in
that board's licensing act provides for recovery of costs in an administrative
disciplinary proceeding.

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1 FACTUAL ALLEGATIONS

2 June 2021 Conviction

3 13. On or about February 6, 2021, a Ventura County sheriff's deputy was dispatched to
4 an injury accident scene. Upon arrival, the deputy saw a vehicle in the middle of the road with
5 major front end damage. The deputy made contact with Respondent, who initially stated he was
6 fine but had shoulder and back pain. Respondent was evaluated by a medical response team and
7 refused to be transported to the hospital. The deputy interviewed Respondent, who admitted that
8 he drank two hours prior and that he "drank too much." Respondent admitted to drinking three
9 shots of Jack Daniels and indicated that he had not eaten.

10 14. The deputy observed Respondent's speech to be slow and slurred. The deputy
11 detected the odor of alcohol emitting from Respondent and noticed that Respondent's eyes were
12 watery. Consequently, the deputy conducted field sobriety tests (FSTs). Respondent failed
13 several FSTs and was unable to complete other tests due to the gout in his foot. Respondent
14 indicated that he lied to the deputy about drinking and stated that he did not consume alcohol.
15 Respondent refused to provide a breath sample.

16 15. During his early investigation, the deputy learned that there had been multiple calls
17 for service regarding Respondent by the California Highway Patrol, after Respondent was seen
18 hitting the curb and fluctuating speeds down the road.

19 16. Respondent was arrested for driving under the influence of alcohol, resulting in a
20 traffic collision, in violation of Vehicle Code section 23152, subdivision (a). Respondent was
21 transported to a hospital for a blood draw. Respondent's blood alcohol concentration was found
22 to be .207%.

23 17. On or about May 4, 2021, in the case of *The People of the State of California vs.*
24 *Lawrence Chespak*, Superior Court of California for the County of Ventura, case number
25 2021003546, Respondent was charged with driving under the influence of alcohol (DUI), in
26 violation of Vehicle Code section 23152, subdivision (a), with a special allegation that
27 Respondent had a blood alcohol content of .15 percent and higher within the meaning of Vehicle
28 Code section 23578. Respondent was also charged with driving under the influence while having

1 a .08% or higher blood alcohol content, in violation of Vehicle Code section 23152, subdivision
2 (b), with a special allegation that Respondent had a blood alcohol content of .15 percent and
3 higher within the meaning of Vehicle Code section 23578.

4 18. On or about June 28, 2021, Respondent pled no contest and was convicted of driving
5 under the influence while having a .08% or higher blood alcohol content, in violation of Vehicle
6 Code section 23152, subdivision (b), and the special allegation in violation of Vehicle Code
7 section 23578.

8 19. Respondent was sentenced to 36 months of probation and ordered to attend a nine-
9 month first offender program. Respondent was also ordered to serve three days in jail, with the
10 option to participate in a work alternative program, and pay fines and fees.

11 July 2021 Incident

12 20. On or about July 8, 2021, officers responded to a call indicating that Respondent
13 appeared disoriented and was hanging on to the freeway overpass fence.

14 21. Upon arrival, officers found Respondent holding onto the overpass fence. Officers
15 witnessed that Respondent had difficulty standing up on his own. Officers checked Respondent's
16 eyes and noticed a horizontal gaze nystagmus.¹

17 22. Upon making contact with Respondent, officers could smell a strong odor of an
18 alcoholic beverage emitting from his breath, and Respondent's eyes were watery and red.
19 Respondent's speech was also slurred and he admitted to purchasing vodka and taking two shots
20 of the vodka.

21 23. Subsequently, Respondent was arrested for public intoxication. Officers helped
22 Respondent into the patrol vehicle because he was unable to walk on his own and unable to
23 follow their directives.

24 24. On or about July 23, 2021, in the case of *The People of the State of California vs.*
25 *Lawrence Walter Chespak*, Superior Court of the State of California for the County of Ventura,
26 case number 2021017846, Respondent was charged with public intoxication, in violation of Penal

27 _____
28 ¹ Nystagmus is the involuntary rhythmic side-to-side, up and down or circular motion of
the eyes, which becomes more pronounced when a person is intoxicated.

1 Code section 647, subdivision (f), a misdemeanor. However, on or about December 2, 2021,
2 Respondent pled nolo contendere to Penal Code section 415(2), disturbing the peace, an
3 infraction.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Conviction of a Crime)**

6 25. Respondent is subject to disciplinary action under Code sections 2236 and 490, and
7 the California Code of Regulations, title 16, section 1360 in that he was convicted of a crime
8 substantially related to the qualifications, functions, or duties of a physician or surgeon, as more
9 particularly alleged in paragraphs 13 through 19, above, which are hereby incorporated by
10 reference as if fully set forth herein.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Dangerous Use of Alcohol)**

13 26. Respondent is subject to disciplinary action under Code section 2239 insofar as
14 Respondent used alcoholic beverages to the extent, or in such a manner, as to be dangerous or
15 injurious to himself and to the public, as more particularly alleged in paragraphs 13 through 24,
16 above, which are incorporated herein by reference as if fully set forth.

17 **THIRD CAUSE FOR DISCIPLINE**

18 **(Inability to Practice Safely)**

19 27. Respondent Lawrence Walter Chespak, M.D. is subject to disciplinary action under
20 section 822 of the Code in that Respondent cannot safely practice medicine without practice
21 restrictions. The circumstances are as follows:

22 28. On or about August 13, 2021, upon request by the Board, Respondent agreed to
23 submit to a mental examination to determine if he could safely practice medicine.

24 29. Following his mental examination performed on October 12, 2021, Respondent was
25 found to suffer from alcohol use disorder and an unspecified cognitive disorder.

26 30. Respondent participated in some detox and rehabilitation programs, and also attended
27 alcoholic anonymous meetings.

28 ///

31. The psychiatrist who performed the mental examination recommended that Respondent receive regular monitoring and treatment by a physician experienced in substance use disorders; actively participate in a structured outpatient substance recovery program, with random toxicology screens; and receive neuropsychological testing with at least three months of sobriety to assess his cognition.

FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

32. Respondent is subject to disciplinary action under Code section 2234 in that he engaged in unprofessional conduct. The circumstances are as follows:

33. The allegations in the First and Second Causes for Discipline, in paragraphs 25 through 26, above, are incorporated herein by reference as if fully set forth.

PRA YER

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 G 62697, issued to Lawrence Walter Chespak, M.D.;
2. Revoking, suspending or denying approval of Lawrence Walter Chespak, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Lawrence Walter Chespak, M.D., to pay the Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: APR 22 2022

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

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