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

In the Matter of the Accusation Against: CECIL A. BRADLEY, M.D. Certificate No. C-34133 Respondent.	)	No. 03-93-29006

DECISION

The attached Stipulation for Settlement is hereby adopted by the Division of Medical Quality as its Decision in the above-entitled matter.

This Decision shall become effective on July 30, 1998.

IT IS SO ORDERED June 30, 1998.

By: _____
IRA LUBELL, M.D.
Chairperson, Panel A
Division of Medical Quality

DANIEL E. LUNGREN, Attorney General
of the State of California
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Attorneys for Complainant

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **CECIL A. BRADLEY M.D.** 14981 National Avenue #6 Los Gatos, CA 95032-2600 Physician's and Surgeon's Certificate No. C-34133, Respondent.	**Case No. 03-93-29006** **STIPULATION FOR SETTLEMENT**

IT IS HEREBY STIPULATED by and between **Cecil A. Bradley, M.D.** (hereinafter "respondent") with the counsel and advice of his attorney, Cynthia L. Schreurs, and complainant Ronald Joseph, in his official capacity as Executive Director of the Medical Board of California ("Board"), by and through its attorney, Daniel E. Lungren, Attorney General, by Jane Zack Simon, Deputy Attorney General, as follows:

1. Accusation No. 03-93-29006 is presently pending against Cecil A. Bradley, M.D., physician and surgeon's certificate number C-34133, before the Division of Medical Quality of the Medical Board of California (hereinafter referred to as the "Division").

2. The complainant in said Accusation, Ron Joseph is the Executive Director of the Board and brought said Accusation in his official capacity only.

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3. Respondent has fully discussed with his attorney, Cynthia L. Schreurs, the charges and allegations contained in the Accusation and therefore has been fully advised concerning his rights in this matter.

4. Respondent hereby freely and voluntarily waives his right to a hearing on the charges and allegations contained in the Accusation, and further, respondent agrees to waive his right to reconsideration, judicial review and any and all other rights which may be accorded him by the Administrative Procedure Act and other laws of the State of California, excepting his right to petition for reinstatement of his certificate or modification or termination of probation pursuant to Business and Professions Code section 2307.

5. All admissions of fact and conclusions of law contained in this stipulation are made exclusively for this proceeding and any future proceedings between the Division and respondent and shall not be deemed to be admissions for any purpose in any other administrative, civil, or criminal action, forum or proceeding.

6. Respondent's license history and status as set forth in paragraph 2 of the Accusation is true and correct and respondent's address of record is as set forth in the caption of this Stipulation. (A copy of the Accusation is attached as Exhibit A and incorporated by reference in this stipulation.)

7. For purposes of the settlement of the action pending against respondent in case No. 03-93-29006 and to avoid a lengthy administrative hearing, respondent admits that the Board has jurisdiction under section 822 of the Business and Professions Code to adopt this stipulation for settlement as its decision and final resolution of this matter.

8. BASED UPON THE FOREGOING RECITALS, IT IS FURTHER STIPULATED AND AGREED that the Medical Board of California, upon its adoption of the Stipulation herein set forth, may, without further notice, prepare a decision and enter the following order:

Physician and Surgeon Certificate No. C-34133 heretofore issued to Cecil A. Bradley, M.D., respondent, by the Medical Board of California, is hereby revoked; PROVIDED HOWEVER, that execution of this order of revocation is stayed, and respondent

is placed on probation for a period of (4) four years, upon the following terms and conditions:

Within 15 days after the effective date of this decision the respondent shall provide the Division, or its designee, proof of service that respondent has served a true copy of this decision on the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended or where respondent is employed to practice medicine and on the Chief Executive Officer at every insurance carrier where malpractice insurance coverage is extended.

SPECIAL CONDITIONS

(A) **PSYCHOTHERAPY** Within 30 (thirty) days of the effective date of this decision, respondent shall submit to the Division or its designee for its prior approval the name and qualifications of a female psychiatrist of respondent's choice. Upon approval, respondent shall undergo and continue treatment for the duration his probationary period. Respondent shall have the treating psychiatrist submit quarterly status reports to the Division or its designee indicating whether the respondent is capable of practicing medicine safely.

(B) **COST RECOVERY** The respondent is hereby ordered to reimburse the Division the amount of $2,500 (two thousand, five hundred dollars) within ninety (90) days of the effective date of this decision for a portion of its investigative and prosecution costs. Failure to reimburse the Division's cost of investigation and prosecution shall constitute a violation of the probation order, unless the Division agrees in writing to payment by an installment plan because of financial hardship. The filing of bankruptcy by the respondent shall not relieve the respondent of his responsibility to reimburse the Division for its investigative and prosecution costs.

(C) **PROBATION COSTS** Respondent shall pay the costs associated with probation monitoring each and every year of probation in the amount of $600.00 ~~(one hundred dollars)~~ H) per JZS + CS per year. Such costs shall be payable to the Division of Medical Quality and delivered to the designated probation surveillance monitor at the beginning of each calendar year. Failure to pay costs within 30 days of the due date shall constitute a violation

of probation.

STANDARD CONDITIONS

(D) **SUPERVISION OF PHYSICIAN ASSISTANTS** Respondent shall not supervise any physician assistants.

(E) **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.

(F) **QUARTERLY REPORTS** Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Division stating whether there has been compliance with all the conditions of probation.

(G) **PROBATION SURVEILLANCE PROGRAM COMPLIANCE** Respondent shall comply with the Division's probation surveillance program. Respondent shall, at all times, keep the Division informed of his addresses of business and residence which shall both serve as addresses of record. Changes of such addresses shall be immediately communicated in writing to the Division. Under no circumstances shall a post office box serve as an address of record.

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

(H) **INTERVIEW WITH THE DIVISION, ITS DESIGNEE, OR ITS DESIGNATED PHYSICIAN** Respondent shall appear in person for interviews with the Division, its designee or its designated physician(s) upon request at various intervals and with reasonable notice.

(I) **TOLLING OF PROBATION** In the event respondent should leave California to reside or to practice outside the State or for any reason should respondent stop practicing medicine in California, respondent shall notify the Division or its designee in writing within ten days of the dates of departure and return or the dates of non-practice within California. Non-practice is defined as any period of time exceeding thirty days in

which respondent is not engaging in any activities defined in Sections 2051 and 2052 of the Business and Professions Code. All time spent in an intensive training program approved by the Division or its designee shall be considered as time spent in the practice of medicine. Periods of temporary or permanent residence or practice outside California or of non-practice within California, as defined in this condition, will not apply to the reduction of the probationary period.

(J) **COMPLETION OF PROBATION** Upon successful completion of probation, respondent's certificate shall be fully restored.

(K) **VIOLATION OF PROBATION** If respondent violates probation in any respect, the Division, 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 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.

(L) **LICENSE SURRENDER** Following the effective date of this probation, if respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, respondent may voluntarily tender his certificate to the Division. The Division reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, respondent will no longer be subject to the terms and conditions of probation.

9. **IT IS FURTHER STIPULATED AND AGREED** that the terms set forth herein shall be null and void, and in no way binding upon the parties hereto, unless and until accepted by the Medical Board of California. Respondent further agrees that in addition to submitting this stipulation to the Board for acceptance and adoption, counsel for complainant may also submit to the Board a memorandum recommending the stipulation's adoption. Respondent agrees that the memorandum recommending adoption shall not, under any

circumstances, be discoverable or disclosed to respondent.

ACCEPTANCE

I HEREBY CERTIFY that I have read this Stipulation for settlement in its entirety, that I fully understand the terms of this Stipulation, and I voluntarily agree to them. I agree that a FAX copy of my signature shall be binding upon me.

IN WITNESS THEREOF, I affix my signature this 26 day of May, 1998 at Burlingame, California.

CECIL A. BRADLEY
Respondent

I have fully discussed with respondent Cecil A. Bradley, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Decision and approve its form and content.

DATED: May 26, 1998.

CYNTHIA L. SCHREURS
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Decision is hereby respectfully submitted for consideration of the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs.

DATED: 6/4/98.

DANIEL E. LUNGREN, Attorney General
of the State of California

Jane Zack Simon
Deputy Attorney General

EXHIBIT A

H

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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO January 30 1998
BY Actie Johnson ANALYST

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

In the Matter of the Accusation Against: **CECIL A. BRADLEY, M.D.** 14981 National Ave. #6 Los Gatos, CA 95032-2600 Physician's and Surgeon's Certificate No. C-34133 Respondent.	**No. 03-93-29006** **ACCUSATION**

Complainant Ron Joseph alleges as follows:

1. Complainant is the Executive Director of the Medical Board of California, Department of Consumer Affairs, State of California (hereinafter referred to as the "Board") and makes and files this Accusation solely in his official capacity and not otherwise.

2. On or about April 11, 1972, the Board issued to respondent Cecil A. Bradley, M.D. (hereinafter referred to as "respondent") Physician and Surgeon's Certificate No. C-34133. Said certificate is presently in good standing with an expiration date of October 31, 1999. There is no Board record of prior disciplinary action having been taken against respondent in the State of California.

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STATUTES

3. Section 2001 of the Business and Professions Code[1] provides for the existence of the Board.

4. Section 2003 provides for the existence of the Division of Medical Quality (hereinafter referred to as the "Division") within the Board.

5. Section 2004 provides, inter alia, that the Division is responsible for the administration and hearing of disciplinary actions involving enforcement of the Medical Practice Act (section 2000 *et seq.* of the Code) and the carrying out of disciplinary action appropriate to findings made by a Medical Quality Review Committee, the Division, or an Administrative Law Judge.

6. Section 2229 subdivision (a) provides that protection of the public shall be the highest priority for the Division of Medical Quality and administrative law judges in exercising disciplinary authority.

7. Section 822 provides, in pertinent part, that if the Board determines that the licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the Board may take action by revoking or suspending the licentiate's license, placing the licentiate on probation, or taking such other action as the Board in its discretion deems proper. Such disciplinary proceedings shall be conducted in accordance with Chapter 5 (commencing with section 11500) of Part 1 or Division 3 of Title 2 of the Government Code and the Board and the licentiate shall have all the rights and powers granted therein.

8. Sections 2220, 2234, and 2227 together provide that the Division of Medical Quality shall take disciplinary action against any licensee who is charged with unprofessional conduct.

9. Section 125.3, subdivisions (a) and (c) state, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before any board within the

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[1]All statutory references are to the Business and Professions Code unless otherwise indicated.

department [of Consumer Affairs], the board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case. A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the entity bringing the proceeding or its designated representative shall be prima facie evidence of reasonable costs of investigation and prosecution of the case. The costs shall include the amount of investigative and enforcement costs up to the date of the hearing, including, but not limited to, charges imposed by the Attorney General.

10. Section 16.01 of the 1997-98 California Budget Act provides as follows:

> "(a) No funds appropriated by this act may be expended to pay any Medi-Cal claim for any service performed by a physician while that physician's license is under suspension or revocation due to a disciplinary action of the Medical Board of California.
>
> "(b) No funds appropriated by this act may be expended to pay any Medi-Cal claim for any surgical service or other invasive procedure performed on any Medi-Cal beneficiary by a physician if that physician has been placed on probation due to a disciplinary action of the Medical Board of California related to the performance of that specific service or procedure on any patient, except in any case where the board makes a determination during its disciplinary process that there exist compelling circumstances that warrant continued Medi-Cal reimbursement during the probationary period.
>
> "(c) The State Department of Health Services shall ensure that no Medi-Cal claim is paid in violation of subdivision (a) or (b).
>
> "(d) The Medical Board of California shall work with the State Department of Health Services to provide all information necessary to accomplish the purposes of this section. The board and the department shall report to the Legislature, upon the conclusion of each calendar quarter of the 1996-97 fiscal year, the number of physicians on probation who are not receiving Medi-Cal reimbursement as a result of this section, and the number of physicians on probation who continue to be eligible for Medi-Cal reimbursement as a result of a determination of the board."

11. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his 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 Division deems proper.

FIRST CAUSE FOR DISCIPLINARY ACTION

12. Respondent is subject to disciplinary action under Section 822 in that his ability to practice his profession safely is impaired as more particularly alleged in the following paragraphs.

13. On or about July, 1994, the Board received a report from Oak Creek Hospital pursuant to the provisions of Business and Professions Code section 805. Said report indicated that respondent had failed to renew his staff privileges during the course of a Hospital investigation of a complaint against him of sexual harassment. The 805 report also indicated that respondent had failed to undergo a psychiatric evaluation that the Hospital had requested. Further Board investigation revealed that respondent, a psychiatrist, had repeatedly engaged in inappropriate sexual behavior with female co-workers and patients.

14. On or about September, 1997, respondent agreed to undergo a voluntary psychiatric evaluation. On or about November 5, 1997, respondent underwent a voluntary psychiatric evaluation conducted by Richard J. Corelli, M.D. Dr. Corelli reached a diagnosis of Axis I: obsessive-compulsive disorder and alcoholism sustained full remission; Axis II, obsessive-compulsive personality disorder. Dr. Corelli concluded that respondent "has demonstrated a rather consistent pattern of poor judgement and difficulty with boundary issues and professional roles that is of significant concern as to his ability to practice medicine safely." Dr. Corelli stated that respondent has an "impaired ability to practice medicine with safety to the public and that he requires psychotherapy at this time in order to practice medicine safely."

15. Based on Dr. Corelli's conclusions and recommendation, it has been determined that respondent's ability to practice his profession safely is impaired because of mental illness and that, accordingly, grounds for disciplinary action are established under Business and Professions Code section 822.

PRAYER

WHEREFORE, complainant prays that the Division hold a hearing on the matters alleged herein and, following said hearing, issue an order:

1. Suspending or revoking physician and surgeon's certificate number C-34133 heretofore issued to Cecil A. Bradley;

2. Revoking, suspending or denying approval of the respondent's authority to supervise physician's assistants, pursuant to Business and Professions Code section 3527;

3 Ordering respondent to pay the Board the actual and reasonable costs of the investigation and enforcement of this case; and, if placed on probation, the costs of probation monitoring;

4. Taking such other and further action as is deemed just and proper to protect the public health, safety and welfare.

DATED: January 30, 1998

RON JOSEPH
Executive Director
Medical Board of California

Complainant