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

In the Matter of the Accusation Against:	)	
RICHARD G. FARMER, M.D. Certificate #C-25688	)	File No: 12-92-21245
Respondent.	)	

DECISION AND ORDER

The attached Stipulation for Surrender of License is hereby accepted by the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in the above-entitled matter.

This Decision shall become effective on January 16, 1997.

DATED December 17, 1996.

DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA

Ira Lubell, M.D.
Chair, Panel A

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
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **RICHARD G. FARMER, M.D.** **University of Tennessee** **College of Medical-Psychiatry Department** **66 N. Pauline, Suite 633** **Memphis, TN 38105** **Physician & Surgeon License No. C25688** **Respondent.**	**Case No. 12-92-21245** **OAH No. N9508092** **STIPULATION FOR SURRENDER OF LICENSE**

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

1. Complainant, RON JOSEPH, is the Executive Director of the Medical Board of California, Department of Consumer Affairs ("Board") and is represented by Daniel E. Lungren, Attorney General of the State of California by Sharon Blau Hartley, Deputy Attorney General.

2. RICHARD G. FARMER ("respondent") is represented in this matter by attorney Robert W. Lamson, Esq. whose address is 915 San Ramon Valley Boulevard, Suite 260,

P.O. Box 810, Danville, CA 94526-0810. The respondent has counseled with his attorney concerning the effect of this stipulation which respondent has carefully read and fully understands.

3. Respondent has received and read the Accusation which is presently on file and pending in Case Number 12-92-21245 before the Division of Medical quality of the Medical Board of California, Department of Consumer Affairs (hereinafter the "Division"), a copy of which is attached as Exhibit A and incorporated herein by reference.

4. Respondent understands the nature of the charges alleged in the Accusation and that, if proven at hearing, such charges and allegations would constitute cause for imposing discipline upon respondent's license issued by the Board.

5. Respondent and his counsel are aware of each of respondent's rights, including the right to a hearing on the charges and allegations, the right to confront and cross-examine witnesses who would testify against respondent, the right to testify and present evidence on his own behalf, as well as to the issuance of subpoenas to compel the attendance of witnesses and the production of documents, the right to contest the charges and allegations, and other rights which are accorded respondent pursuant to the California Administrative Procedure Act (Gov. Code, § 11500 et seq.) and other applicable laws, including the right to seek reconsideration, review by the superior court, and appellate review.

6. For the purpose of resolving Accusation No. 12-92-21245 without the expense and uncertainty of further proceedings, respondent agrees that, if, at a hearing, the Board proved the truthfulness of the factual allegations in the Accusation, he admits that cause for discipline would exist. Respondent hereby agrees to surrender his Physician's and Surgeon's Certificate for the Division's formal acceptance.

7. Respondent understands that by signing this stipulation he is enabling the Division of Medical quality to issue its order accepting the surrender of his license without further process. He understands and agrees that Board staff and counsel for complainant may communicate directly with the Division regarding this stipulation, without notice to or

participating by respondent or his counsel. In the event that this stipulation is rejected for any reason by the Division, it will be of no force or effect for either party. The Division will not be disqualified from further action in this matter by virtue of its consideration of this stipulation.

8. Upon acceptance of the stipulation by the Division, respondent understands that he will no longer be permitted to practice as a Physician & Surgeon in California, and also agrees to surrender and cause to be delivered to the Division both his license and wallet certificate before the effective date of the decision.

9. Respondent fully understands and agrees that if he ever files an application for relicensure or reinstatement in the State of California, the Division shall treat it as a petition for reinstatement. The respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 12-92-21245 will be included and deemed admissible and relevant when the Division determines whether to grant or deny the petition. All materials in the investigative reports, including but not limited to all medical records of Kim Loconte, the Medical Board's expert reports, that resulted in the filing of Accusation No. 12-92-21245 and those documents produced by both parties in discovery, including but not limited to the deposition transcripts and interrogatory responses from Loconte v. Farmer, M.D., Alameda County Superior Case No. H-138487-7, shall be preserved, admissible in evidence, and considered at any reinstatement proceeding before the Board. When respondent petitions for reinstatement he agrees to waive laches, statute of limitations and all other time-based defenses. Respondent shall not be eligible to file an application for reinstatement for at least three (3) years from the effective date of this decision.

ACCEPTANCE

I, RICHARD G. FARMER, have carefully read the above stipulation and enter into it freely and voluntarily with the advice of counsel, and with full knowledge of its force and effect, do hereby surrender my Physician's and Surgeon's Certificate No. C25688, to the

Division of Medical Quality, Medical Board of California for its formal acceptance. By signing this stipulation to surrender my license, I recognize that upon its formal acceptance by the Division, I will lose all rights and privileges to practice as a physician and surgeon in the State of California and I also will cause to be delivered to the Division both my license and wallet certificate before the effective date of the decision.

DATED: 10/21/96.

RICHARD G. FARMER
Respondent

I concur in the stipulation.

DATED: 10/22/96.

ROBERT LAMSON, ESQ.
Attorney for Respondent

DATED: 11/5/96.

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

SHARON BLAU HARTLEY
Deputy Attorney General

Attorneys for Complainant

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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: RICHARD G. FARMER, M.D. University of Tennessee College of Medical-Psychiatry Department 66 N. Pauline, Suite 633 Memphis, TN 38105 Physician & Surgeon License No. C25688 Respondent.	No. 12-92-21245 **ACCUSATION**

DIXON ARNETT, complainant herein, charges and alleges as follows:

PARTIES

1. He is the Executive Director of the Medical Board of California, State of California (hereinafter "the Board") and makes these charges and allegations solely in his official capacity.

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LICENSE STATUS

2. At all times material herein, respondent RICHARD G. FARMER, M.D. (hereinafter "respondent") has held physician and surgeon certificate No. C25688 which was issued to him by the Board on or about November 27, 1963. Said certificate is currently renewed through January 31, 1997. No prior disciplinary action has been taken against said certificate. Respondent is not a supervisor of a physician's assistant.

STATUTES

3. Section 2001 of the Business and Professions Code[1/] (hereinafter referred to as the "Code") 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.) and the carrying out of disciplinary action appropriate to findings made by a medical quality review committee, the division, or an administrative law judge with respect to the quality of medical practice carried out by physician & surgeon certificate holders.

6. Section 2220, 2227 and 2234 together provide that the Division shall take disciplinary action against the holder of

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

a physician's and surgeon's certificate who is guilty of unprofessional conduct.

7. Section 2234 provides in part, as follows:

"The Division of Medical Quality 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 assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter.

(b) Gross negligence.

(c) Repeated negligent acts.

(d) Incompetence."

DRUGS

8. Imipramine Hydrochloride, an anti-depressant, is a dangerous drug as defined in section 4211 and is involved in this proceeding.

COST RECOVERY

9. Section 125.3 provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before any board within California 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 reasonable costs of the investigation and enforcement 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.

FIRST CAUSE FOR DISCIPLINARY ACTION

10. At all times mentioned hereinafter, respondent practiced as a psychiatrist in California.

11. Respondent is subject to disciplinary action in that respondent has committed violations of Business and Professions Code sections 2234 (b) and/or (c) and/or (d), in connection with the care and treatment of patient K.L.[2], as more particularly alleged herein below:

(A) On or about January 13, 1986, respondent began to treat K.L., a 27 year old female who had a history of panic and depression;

(B) Two years earlier, K.L. had been hospitalized at Kaiser for a major depressive episode and the medical records reflect suicidal ideation;

(C) At the initial half-hour visit, respondent prescribed for K.L. a potentially lethal dose of 150 mg of imipramine per day in the form of 100 tablets of 50 mg with 3 refills;

(D) Respondent never obtained the patient's records from her hospitalization at Kaiser;

(E) Respondent told K.L. to call him with her progress but did not schedule any follow-up appointments;

(F) The next entry in respondent's notes are of a phone call on April 15, 1986 wherein K.L. said she was "doing well";

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2. Names have been abbreviated to protect privacy. Respondent will be given the full name of the patient involved herein pursuant to a discovery request.

(G) On August 25, 1986, respondent saw K.L., noted that her panic symptoms had returned, and increased her dosage of imipramine by 50 mg;

(H) Respondent saw K.L. again on August 29, 1986 and noted that she was worrying about her panic symptoms returning;

(I) Respondent did not talk to K.L. again until December 17, 1986, when she called to say she was doing well on the 200 mg of imipramine;

(J) When K.L. called on April 29, 1987, respondent noted in his records that she was "asymptomatic" but also that he wanted to see her;

(K) The next contact was on December 7, 1987 when K.L called to say she was doing fine;

(M) On January 8, 1998, respondent's notes reflect a phone call from K.L. wherein she said her depression had been worse since Christmas and she was having "memories of being in the hospital and out of control";

(N) Without seeing her, respondent increased her imipramine dosage to 250 mg and told K.L. to call in 10 days or come in as needed;

(O) Respondent's notes for January 11, 1988 indicate that K.L called him on Sunday and said her depression was worsening and that she wanted an appointment;

(P) Respondent suggested hospitalization but when K.L told him she did not want to be hospitalized, he set up

an appointment for Tuesday, January 12, 1988 at 2:30 p.m.;

(Q) On January 11, 1988, K.L.'s mother in law believed that K.L. was suicidal and needed to speak to the doctor;

(R) K.L.'s mother called respondent and told him her observations about K.L.;

(S) K.L.'s mother in law was also present when K.L. spoke to respondent and heard K.L. tell him that she needed to see him and "[W]ell, if that's the way it has to be, that's the way it has to be";

(T) After this phone call, K.L. told her mother in law that respondent said he could not see her until the following day;

(U) K.L. woke her husband up at 3:15 a.m. on January 12, 1988 to say, "Oh, my god, help. I have just taken my medication;"

(V) On January 16, 1988, K.L. died of complications of imipramine overdose;

(W) Throughout the two and a half years that respondent was prescribing imipramine to K.L., he only saw her three times;

(X) Respondent never ordered any blood counts or serum chemistries and never ordered that the serum level of imipramine and its chief metabolite, desipramine, be taken;

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(Y) In light of K.L.'s pattern of calling very infrequently, her three calls in four days, and his having not seen her for 17 months, respondent should have scheduled an appointment for sooner than 48 hours.

12. Respondent's conduct as set forth in paragraph 11(A) through 11(Y) herein constitutes gross negligence and/or incompetence pursuant to sections 2234(b) and/or (d).

SECOND CAUSE FOR DISCIPLINARY ACTION

13. The allegations of paragraph 11(A) through 11(Y) are incorporated herein by reference.

14. Respondent's conduct, as described in paragraph 11(A) through 11(Y) constitutes repeated negligent acts pursuant to section 2234(c).

WHEREFORE, complainant requests that a hearing be held and that thereafter the Board issue an order:

1. Revoking or suspending respondent's physician and surgeon's certificate number C25688;

2. Prohibiting respondent from supervision of physician's assistants;

3. Directing respondent to pay to the Board a reasonable sum for its investigative and enforcement costs of this action; and

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4. Taking such other and further action as is deemed just and proper.

DATED: July 13, 1995

DIXON ARNETT
Executive Director
Medical Board of California
State of California

Complainant

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