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

In the Matter of the Accusation Against:	)	
BURNELL GORDON FORGEY, M.D. Certificate #A-10602	)	No: 04-97-74655
Respondent.	)	

DECISION AND ORDER

The attached Stipulation for Surrender of License and Order is hereby adopted as the Decision and Order of the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective on February 9, 1998.

DATED February 2, 1998.

DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA

Ira Lubell, M.D., President
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
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: BURNELL GORDON FORGEY, M.D. 333 E. 17th St., #17 Costa Mesa, CA 92627 Physician's and Surgeon's Certificate No. A10602 Respondent.	NO. 04-97-74655 **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 Sherry L. Ledakis, Deputy Attorney General.

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2. Burnell Gordon Forgey, M.D., has been advised of his right to be represented by counsel at his own expense, and has chosen to proceed without counsel.

3. Respondent has received and read the Accusation which is presently on file and pending in Case No. 04-97-74655 before the Division of Medical Quality of the Board ("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 is aware of each of his rights, including the right to be represented by counsel, 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. 04-97-74655, respondent freely and knowingly admits the allegations contained in Accusation No. 04-97-74655 and waives each and every

one of the rights set forth in paragraph 5, including his right to be represented by counsel, 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.

7. For the purpose of resolving Accusation No. 04-97-74655, respondent admits that he is guilty of the allegations contained in Accusation. Respondent hereby gives up his right to contest the charges and allegations in the Accusation and agrees to surrender of his Physician's and Surgeon's Certificate.

8. Respondent understands that by signing this Stipulation he is enabling the Division 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 participation by respondent. The Division will not be disqualified from further action in this matter by virtue of its consideration of this Stipulation. 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 except for this paragraph.

9. Upon acceptance of this Stipulation by the Division, respondent agrees to cause to be delivered to the Division both his license and wallet certificate before the effective date of the Decision. Respondent further understands that, on or after the effective date of this Decision, he will no longer be permitted to practice as a physician and surgeon in California.

10. Respondent 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 and respondent must comply with all laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed.

11. Respondent understands and agrees that if he ever files an application for relicensure or reinstatement, he will reimburse the Division the amount of $19,806.88, as the costs of investigation and prosecution of this matter. Unless otherwise agreed by the Division, such reimbursement shall be paid in full prior to the processing of the application for relicensure or reinstatement.

12. All admissions and recitals contained in this stipulation are made solely for the purpose of settlement in this proceeding and for any other proceedings in which the Division or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceedings.

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ACCEPTANCE

I, Burnell Gordon Forgey, M.D., having carefully read the above stipulation, enter into it freely and voluntarily, and, with full knowledge of its force and effect, do hereby tender for surrender my Physician's and Surgeon's Certificate No. A10602 to the Division. 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 licenses and wallet certificate before the effective date of the Decision.

DATED: Jan 9 1998

Burnell G. Forgey

Burnell Gordon Forgey, M.D.
Respondent

DATED: Jan. 14, 1998.

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

Sherry L. Ledakis

SHERRY L. LEDAKIS
Deputy Attorney General

Attorneys for Complainant

EXHIBIT A

DANIEL E. LUNGREN, Attorney General
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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: **BURNELL GORDON FORGEY, M.D.** 1401 Avocado Avenue, Suite 207 Newport Beach, CA 92660 Physician's and Surgeon's Certificate No. A 10602, Respondent.	Case No. 04-97-74655 **ACCUSATION**

Complainant Ron Joseph as cause for disciplinary action alleges as follows:

PARTIES

1. Complainant, Ron Joseph, is the Executive Director of the Medical Board of California (hereinafter the "Board") and brings this accusation solely in his official capacity.

2. On or about September 18, 1944, Physician's and Surgeon's Certificate No. A 10602 was issued by the Board to Burnell Gordon Forgey, M.D. (hereinafter "respondent"). At all times relevant to the charges brought herein, this license has

been in full force and effect, either in an active status or in a retired status. Said certificate has been in a retired status since August 5, 1992, with a new license number of AFE 10602. The expiration date of the license is December 31, 1997.

JURISDICTION

3. This accusation is brought before the Division of Medical Quality of the Board (hereinafter the "Division"), under the authority of the following sections of the California Business and Professions Code and the Health and Safety Code:

A. Section 2227 of the Business and Professions Code provides that the Division may revoke, suspend for a period not to exceed one year, or place on probation and order the payment of probation monitoring costs, the license of any licensee who has been found guilty under the Medical Practice Act.

B. Section 2234 of the Business and Professions Code provides that unprofessional conduct includes, but is not limited to, the following:

"(b) Gross negligence.

"(c) Repeated negligent acts.

". . .

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

". . . ."

/ / /

C. Section 2238 of the Business and Professions Code provides, as relevant hereto, that a violation of any of the statutes or regulations of this state regulating dangerous drugs or controlled substances constitutes unprofessional conduct.

D. Section 2242 of the Business and Professions Code provides, as relevant hereto, that prescribing, dispensing, or furnishing dangerous drugs as defined in Section 4211 of the Business and Professions Code without a good faith prior examination and medical indication therefor, constitutes unprofessional conduct.

E. Section 11153 of the Health and Safety Code provides, as relevant hereto, that a prescription for a controlled substance shall only be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. Except as authorized by this division, the following is not a legal prescription: an order purporting to be a prescription which is issued not in the usual course of professional treatment or in legitimate and authorized research.

F. Section 11173 of the Health and Safety Code provides, in relevant part, that (a) No person shall obtain or attempt to obtain controlled

substances, or procure or attempt to procure the administration of or a prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact; and (b) no person shall make a false statement in any prescription, order, report, or record, required by this division.

G. Section 11157 of the Health and Safety Code provides that no person shall issue a prescription that is false or fictitious in any respect.

H. Section 11170 of the Health and Safety Code provides that no person shall prescribe, administer, or furnish a controlled substance for himself.

I. Business and Professions Code section 125.3 provides that except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department, 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.

4. Section 16.01 of the 1996/1997 Budget Act of the State of California provides, in pertinent part, that: (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; and, (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.

5. Controlled substances, within the meaning of the Uniform Controlled Substances Act, Health & Safety Code §§ 11000 et seq., include:

A. "Valium," is a brand name for Diazepam, a Schedule IV controlled substance under Health and Safety Code section 11057(d)(8).

B. "Didrex," is a brand name for Benzphetamine hydrochloride, a Schedule III controlled substance under Health and Safety Code section 11056(b)(2).

C. "Diethylpropion," is a Schedule IV controlled substance under Health and Safety Code section 11057(f)(1).

D. "Vicodin," is a brand name for Hydrocodone, a Schedule II controlled substance under Health and Safety Code section 11055(b)(1)(J).

/ / /

E. "Fastin," is a brand name for Phentermine, a Schedule IV controlled substance under Health and Safety Code section 11057(f)(2).

F. "Pondimin," is a brand name for Fenfluramine, a Schedule IV controlled substance under Health and Safety Code section 11057(e)((1).

G. "Redux," is a brand name for Dexfenfluramine, a Schedule IV controlled substance under Health and Safety Code section 11057(e).

H. "Restoril" is a brand name for Temazepam, a Schedule IV controlled substance under Health and Safety Code section 11057(d)(24)

I. "Tylenol with Codeine," (Tylenol #4), is a Schedule III controlled substance.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

6. Respondent Burnell Gordon Forgey, M.D., is subject to disciplinary action on account of the following:

A. At all times relevant hereto, respondent practiced the medical specialty of psychiatry. From on or about February 1979 to the present, respondent has been aware, and as events occurred he became aware, of all or part of the criminal history of James Crummel, an aggressive pedophile and registered sex offender. At all times relevant hereto, respondent has been aware of Crummel's numerous arrests for sexual assaults on children.

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B. From about 1990 through and including about 1994, respondent made weekly to monthly visits to youth group homes in Orange County and rendered professional services. These facilities included, but were not limited to, two locations of New Alternatives, Inc., one in Costa Mesa and the other in Orange, California. While at each facility, respondent provided psychiatric services. The population of residents included abused and vulnerable youngsters, aged 13 to 17, some of whom had been victims of molestation.

C. From about 1990 through and including about 1994, on many occasions that respondent visited New Alternatives, respondent was accompanied by Crummel, whom respondent described to the homes' staff as his "assistant." Respondent did not inform the group homes staff that Crummel was a registered sex offender and pedophile. Respondent did not establish any restrictions upon Crummel's movements while Crummel was at the group homes. Crummel in fact had unrestricted access to the children, their medical records, their files, and the entirety of the facilities during these visits. During these visits, which would typically last a total of about three to four hours at each location, respondent did not supervise, monitor, or control Crummel. On at least two occasions during this period, Crummel entered the private rooms of boys and talked with them.

D. On one occasion, Crummel gave a client at a group home a telescope and camera. Crummel

presented another client with a fish tank. On more than one occasion, Crummel took male clients in his car to 7-Eleven or to high school. Crummel and respondent invited group home residents to a Christmas party on respondent's yacht.

E. In 1990, on one occasion when respondent treated a female patient in the privacy of his office at 1401 Avocado, Suite 207, Newport Beach, he assigned Crummel to keep watch over the woman's four-year-old daughter.

F. Crummel performed his duties for respondent without regular compensation and accepted the money respondent gave him.

G. At some point between the years of 1975 and 1980, during one six-month period Crummel was the patient of respondent. Other than during this time, no physician-patient relationship existed between them.

H. At no time did respondent make or have a medical record of having treated himself or of treating Crummel.

I. At no time did respondent conduct a medical or psychiatric examination of Crummel.

J. Notwithstanding the matters alleged in paragraphs G., H. and I. above, on or about the following dates respondent prescribed the following medications for Crummel pursuant to respondent's authority to do so as a physician:

/ / /

(a) Between April 27, 1993, and May 1, 1997, pursuant to prescriptions made by respondent for Crummel, the Newport Center Pharmacy #2, located at 1401 Avocado, Newport Beach, CA, dispensed to an employee of respondent the following dangerous drugs and/or controlled substances:

(1) May 9, 1997, RX# 439064, Ampicillin, 500mg (28);

(2) February 17, 1997, RX# 437139, Diazepam 50mg, (15), C-III;

(3) November 25, 1996, RX# 435022, Hydrocodone 7.5 (50), C-II;

(4) November 25, 1996, RX# 435021, Diphenhydramine 50mg (50);

(5) January 13, 1994, RX# 409002(+1), Tylenol w/Codeine 60mg (10), C-III;

(6) October 28, 1993, RX# 407144, Pepcid 20mg (10);

(7) October 28, 1993, RX# 407143, Compazine 10mg (10);

(8) September 24, 1993, RX# 406353, Vicodin ES (20), C-II;

(9) July 20, 1993, RX# 404920, Vicodin ES (20), C-II;

(10) April 27, 1993, RX# 403160, Vicodin ES (20), C-II;

/ / /

(b) On or about May 19, 1997, pursuant to a prescription made by respondent for Crummel, the Newport Lido Pharmacy, located at 351 Hospital Road, #107, Newport Beach, CA, dispensed to an employee of respondent RX# 285685, Phentermine 30mg (30), C-IV;

K. On or about the following dates respondent prescribed the following controlled substances for himself:

(a) Between April 12, 1993, and May 29, 1997, pursuant to prescriptions made by respondent for himself and telephoned from his office, the Newport Center Pharmacy dispensed to an employee of respondent the following controlled substances:

(1) May 29, 1997, RX# 439497, Diazepam 10mg (40), C-III;

(2) February 28, 1997, RX# 437431, Phentermine (45), C-IV;

(3) May 28, 1997, RX# 435633(+3), Hydrocodone 7.5 (50), C-II;

(4) December 23, 1996, RX# 435634, Phentermine 30mg (35), C-IV;

(5) December 23, 1996, RX# 435633, Hydrocodone 7.5 (35), C-II;

(6) October 24, 1996, RX# 434275(+1), Phentermine (30), C-IV;

(7) October 24, 1996, RX# 434276, Hydrocodone 7.5 (50), C-II;

(8) September 26, 1995, RX# 424757, Hydrocodone (30), C-II;

(9) June 14, 1994, RX# 412336, Hydrocodone 7.5 (20), C-II;

(10) September 23, 1993, RX# 406312, Diethylpropion 75mg (50), C-IV;

(11) December 20, 1993, RX# 408324(+3), Vicodin ES (40), C-II;

(12) October 1, 1993, RX# 406527, Didrex 50mg (100), C-III;

(13) July 1, 1993, RX# 404578(+2), Fastin 30mg (15), C-IV;

(14) July 1, 1993, RX# 404566(+7), Vicodin ES (20), C-II;

(15) June 7, 1993, RX# 404079(+1), Diazepam 5mg (20), C-IV;

(16) May 24, 1993, RX# 403825(+3), Diazepam 10mg (25), C-IV;

(17) April 13, 1993, RX# 402805, Didrex 50mg (100), C-III;

(18) April 12, 1993, RX# 402751, Restoril 15mg (10), C-IV;

(b) Between August 1, 1994, and July 22, 1996, pursuant to prescriptions made by respondent for himself and telephoned from his office, the Newport Lido Pharmacy dispensed to an employee of respondent the following controlled substances:

(1) July 22, 1996, RX# 274441(+3), Hydrocodone 7.5 (30), C-II.;

(2) May 29, 1996, RX# 273036(+2), Redux 15mg (60), C-IV;

(3) February 26, 1996, RX# 270704(+5), Hydrocodone 7.5 (30), C-II;

(4) February 26, 1996, RX# 270702(+2), Pondimin 20mg (60), C-IV;

(5) February 26, 1996, RX# 270701(+4), Phentermine 30mg (30), C-IV, marked "refused to fill 10-18-96;"

(6) January 29, 1996, RX# 270028, Vicodin Tuss Syrup (120ml), C-II;

(7) January 29, 1996, RX# 270023(+1), Hydrocodone 7.5 (30), C-II;

(8) December 26, 1995, RX# 269185, Hydrocodone 7.5 (30), C-II;

(9) December 11, 1995, RX# 268762, Hydrocodone Tuss Syrup (120ml), C-II;

(10) July 31, 1995, RX# 265444(+6), Hydrocodone 7.5 (25), C-II;

(11) May 10, 1995, RX# 263074, Diazepam 10mg (30), C-IV, marked, "refused to fill 10-18-96;"

(12) March 2, 1995, RX# 260848, Diazepam 10mg (35), C-IV;

(13) November 7, 1994, RX# 258624(+3), Hydrocodone 7.5 (30), C-II;

(14) August 26, 1994, RX# 257320, Diazepam 10mg (40), C-IV;

(15) August 1, 1994, RX# 256889, Diazepam 10mg (30), C-IV;

(16) August 1, 1994, RX# 256888, Vicodin ES (30), C-II;

(17) July 18, 1994, RX# 256642, Tenuate Dospan 75mg (50), C-IV;

(c) On or about June 13, 1997, respondent telephoned Newport Lido Pharmacy and prescribed Phentermine (RX# 285685) for himself. When the pharmacist on duty informed respondent he could not prescribe a controlled substance for himself, respondent told the pharmacist to put the prescription under the name of Crummel.

7. Respondent Burnell Gordon Forgey, M.D., is subject to disciplinary action for unprofessional conduct in that he was grossly negligent in the practice of his profession, in violation of Code section 2234(b), in that:

A. Complainant realleges Paragraph 6 above as if it was fully set forth herein;

B. By employing Crummel, respondent allowed Crummel to have access to youths' medical records;

C. Respondent permitted Crummel to have access and/or to be alone with children, both in the facilities they jointly visited and in respondent's office, and in so doing placed these children at unreasonable risk of great

bodily harm or death at the hands of Crummel, an aggressive pedophile;

D. Respondent failed to advise the youth home staff personnel that Crummel was a registered sex offender;

E. Respondent invited staff and children from the youth group homes for a party on respondent's boat, thus unreasonably placing the children at risk of being victimized by Crummel, an aggressive pedophile.

F. Respondent prescribed controlled substances for himself; and

G. Respondent prescribed controlled substances for Crummel without a good faith medical indication for doing so.

SECOND CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

8. Respondent Burnell Gordon Forgey, M.D., is subject to disciplinary action for unprofessional conduct in that he committed repeated negligent acts in the practice of his profession, in violation of Code section 2234(c), in that:

A. Complainant realleges Paragraph 6 above as if it were fully set forth herein;

B. Respondent employed Crummel, an individual he knew to be a registered sex offender, as his office manager, both in his office and when he visited youth group homes, under circumstances where respondent knew of Crummel's present and continuing possession of pedophilic pornographic materials;

C. In so employing Crummel, respondent allowed Crummel to have access to the youths' medical records;

D. Respondent permitted Crummel to have access and/or to be alone with children, both in the facilities they jointly visited and in respondent's office, and in so doing placed these children at unreasonable risk of great bodily harm or death at the hands of Crummel, an aggressive pedophile;

E. Respondent purposely failed to advise the youth home staff personnel that Crummel was a registered sex offender;

F. Respondent invited staff and children from the youth group homes for a party on respondent's boat, thus unreasonably placing the children at risk of being victimized by Crummel, an aggressive pedophile.

G. Respondent controlled substances for himself; and

H. Respondent prescribed controlled substances for Crummel without a good faith medical indication for doing so.

THIRD CAUSE FOR DISCIPLINE

(Self-prescribing)

9. Respondent Burnell Gordon Forgey, M.D., is subject to disciplinary action for unprofessional conduct in that he prescribed controlled substances for himself in violation of Health and Safety Code section 11170 as alleged above in paragraph 6.

FOURTH CAUSE FOR DISCIPLINE

(Prescribing Without Medical Indication)

10. Respondent Burnell Gordon Forgey, M.D., is subject to disciplinary action for unprofessional conduct in that he prescribed, dispensed, or furnished dangerous drugs as defined in Section 4211, to Crummel without a good faith prior examination and medical indication therefor, in violation of Code section 2242(a).

FIFTH CAUSE FOR DISCIPLINE

(Violation of Any Drug Statute or Regulation)

11. Respondent Burnell Gordon Forgey, M.D., is subject to disciplinary action for unprofessional conduct in that he has violated statutes of this state regulating dangerous drugs and controlled substances, in violation of Code section 2238, as follows:

A. Complainant realleges Paragraph 6 above as if fully set forth herein;

B. Respondent prescribed controlled substances for himself in violation of Health and Safety Code section 11170;

C. Respondent prescribed dangerous drugs for Crummel without a good faith physical examination and medical indication therefore, in violation of Business and Professions Code section 2242;

D. Respondent issued prescription orders, both for controlled substances and for dangerous drugs, for himself and for Crummel, which were not issued in

the usual course of professional treatment or in legitimate and authorized research in violation of Health and Safety Code section 11153;

E. Respondent issued a false and fictitious prescription in violation of Health and Safety Code section 11157;

F. Respondent attempted to obtain controlled substances by fraud, deceit, misrepresentation, or subterfuge by making a false statement to a pharmacist, in violation of Health and Safety Code section 11173; and

G. Respondent prescribed controlled substances for himself in violation of Health and Safety Code section 11170.

SIXTH CAUSE FOR DISCIPLINE

(Dishonesty and Corruption)

12. Respondent Burnell Gordon Forgey, M.D., is subject to disciplinary action for unprofessional conduct in that he committed acts of dishonesty and corruption in the practice of his profession, in violation of Code section 2234(e), in that:

A. Complainant realleges Paragraph 6 above as if it was fully set forth herein;

B. Respondent ordered controlled substances for himself by using another person's name.

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SEVENTH CAUSE FOR DISCIPLINE

(Prescribing of Dangerous Drugs)

13. Respondent Burnell Gordon Forgey, M.D., is subject to disciplinary action for unprofessional conduct in that he prescribed dangerous drugs for Crummel without a good faith prior examination and medical indication for doing so, in violation of Business and Professions Code section 2242, as alleged above in paragraph 6.

EIGHTH CAUSE FOR DISCIPLINE

(Prescribing of Controlled Substances)

14. Respondent Burnell Gordon Forgey, M.D., is subject to disciplinary action for unprofessional conduct in that he prescribed dangerous drugs for himself and Crummel without a legitimate medical purpose and by acting outside the usual course of his professional practice, in violation of Health and Safety Code section 11153, as alleged above paragraph 6.

NINTH CAUSE FOR DISCIPLINE

(Unlawful Procurement of Controlled Substances)

15. Respondent Burnell Gordon Forgey, M.D., is subject to disciplinary action for unprofessional conduct in that he attempted to obtain controlled substances by fraud and by making a false statement in a prescription order, in violation of Health and Safety Code section 11173, as alleged above in paragraph 6.

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TENTH CAUSE FOR DISCIPLINE

(Issuance of False Prescription)

16. Respondent Burnell Gordon Forgey, M.D., is subject to disciplinary action for unprofessional conduct in that he attempted to obtain controlled substances by the issuance of a false prescription, in violation of Health and Safety Code section 11157, as alleged above in paragraph 6.

ELEVENTH CAUSE FOR DISCIPLINE

(Self-Prescribing under the Health and Safety Code)

17. Respondent Burnell Gordon Forgey, M.D., is subject to disciplinary action for unprofessional conduct in that he prescribed a controlled substance for himself, in violation of Health and Safety Code section 11170, as alleged above in paragraph 6.

PRAYER

WHEREFORE, the complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Division issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate No. A 10602, heretofore issued to respondent Burnell Gordon Forgey, M.D.;

2. Ordering respondent to pay the Board the actual and reasonable costs of the investigation and enforcement of this case;

3. If placed on probation, ordering respondent to pay the costs of probation monitoring;

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4. Taking such other and further action as the Division deems necessary and proper.

DATED: September 29, 1997.

Ron Joseph
by Sanford Felder DAG

Ron Joseph
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant

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