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

In the Matter of the Accusation filed Against: WILLIAM C. BRYCE, M.D. Certificate No. A-28255 Respondent.	NO. D-2979 NOTICE OF NON-ADOPTION OF PROPOSED DECISION

TO ALL PARTIES:

YOU ARE HEREBY NOTIFIED that the Division of Medical Quality did not adopt the proposed decision in this case. The Division will now decide the case itself upon the record, including the transcript.

You are now afforded the opportunity to present both oral and written argument to the Division. If you want to make oral argument, you must file with the Division within 20 days from the date of this notice your written request for oral argument. Otherwise, this option shall be deemed waived. If any written request is timely received, all parties will then be notified in writing of the date, time and place for hearing oral arguments from both sides.

As to written argument, you will be notified in writing of the deadline date to file your written argument with the Division. Your right to argue on any matter is not limited, but the Division would be interested in persuasive discussions on the following matters:

Why the penalty should not be increased.

For its own use, the Division has ordered the preparation of the hearing transcript and records. At your own expense, you may order a copy of the same by personally contacting the transcript clerk at the Office of Administrative Hearings at: 314 West First Street, Los Angeles, Ca., 90012.

Please remember to include your proof of service that the opposing attorney was served with a copy of your written argument to the Division. The address for mailing or serving your request for oral argument and your written argument to the Division is as follows:

Division of Medical Quality
1430 Howe Avenue
Sacramento, Ca., 95825

DATED: January 29, 1985.

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE

Vernon A. Leeper

VERNON A. LEEPER
Chief, Enforcement Program

BEFORE THE DIVISION OF MEDICAL QUALITY ASSURANCE

BOARD OF MEDICAL QUALITY ASSURANCE

DEPARTMENT OF CONSUMER AFFAIRS

STATE OF CALIFORNIA

In the Matter of the Accusation Against:	)	
WILLIAM C. BRYCE, M.D. P.O. BOX JA Azusa, California 91702	)	NO. D-2979 L-28723
License No. A-28255	)	
Respondent.	)	

PROPOSED DECISION

This matter came on regularly for hearing before Marguerite C. Geftakys, Administrative Law Judge of the Office of Administrative Hearings, State of California, at San Bernardino, California, on July 23, 1984, at the hour of 10:00 a.m. and was heard again on July 24, 25, and 26, 1984; and August 6 and 30, 1984. Respondent William C. Bryce, M.D. appeared in person in July and was represented at all times by James R. Gorman, Attorney at Law.

This matter was consolidated for purposes of hearing with the matters of the accusation against Terry Hall Day, before the Physician's Assistant Examining Committee, Case Nos. D-2986 and L-28725; and against Charles Baker, Jr., before the Physician's Assistant Examining Committee, Case Nos. D-2985 and L-28722.

On October 2, 1984, the original of the Third Amended Accusation against respondent Baker was received and marked Exhibit 6, for identification only, to complete the jurisdictional file. Additionally, a photocopy of Exhibit C in case nos. D-2980 and L-28726 was substituted for the original Exhibit C by the Administrative Law Judge on her own motion, and the original was then returned to her.

Evidence, both oral and documentary and by stipulation of the parties, have been received and the matter argued and submitted. The Administrative Law Judge now finds the following facts:

I

Complainant Kenneth J. Wagstaff is the Executive Director of the Board of Medical Quality Assurance and made the accusation and amended accusation in his official capacity.

II

In 1962, respondent William C. Bryce, was issued physician's and surgeon's certificate No. A-28255 by the Board. The license is in good standing. Respondent was licensed prior thereto in 1955 by the Board of Osteopathic Examiners, State of California.

III

On or about March 22, 1979, a Certificate of Approval was issued to respondent, by which the Board granted to respondent Bryce approval to supervise physician's assistants.

IV

Between on or about April 3, 1979, and June of 1982, respondent aided and abetted Beth Wilde Meacham and Ivan Eldon Meacham, to engage in the practice of medicine at the Arrowhead Medical Clinic, 2102 North Arrowhead, San Bernardino, California.

A. Respondent assisted Beth Wilde Meacham and Ivan Eldon Meacham, wife and husband, in operating the Arrowhead Medical Clinic, 2102 North Arrowhead, San Bernardino, California, which was owned jointly by respondent and the Meachams.

1. Beth Meacham operated the Arrowhead Medical Clinic with the complete authorization and support of respondent. Ivan Eldon Meacham assisted her. She was the lessee under the clinic lease; she hired, supervised, and terminated personnel employed at the clinic; and was responsible for payment of the clinic's bills.

Respondent was aware of Beth Meacham's unlicensed status but felt confident in her ability to operate the Arrowhead Medical Clinic based on his knowledge of her prior experience in managing a medical laboratory.

2. The Meachams had a financial interest in the Arrowhead Medical Clinic. They advanced $20,000 on one occasion and $5,000 on two occasions for the operation of the Arrowhead Medical Clinic. In 1979, Beth Meacham obtained a $16,500 loan purportedly for the clinic from Physician's Assistant Terry Day.

The record is silent as to whether Terry Day's $16,500 was part of the $30,000 invested in the clinic by the Meachams; nevertheless, the Meachams were later discharged in bankruptcy of the $16,500 debt.

3. Beth Meacham received 25% of the net income from the operation of said clinic after the first $10,000. She took her money in draws without withholding deductions. She also received money from the clinic for furniture and equipment she leased to Arrowhead Medical Clinic.

B. Respondent assisted Beth Wilde Meacham in treating a patient at the Arrowhead Medical Clinic. Respondent authorized Beth Meacham to inject patients with processed urine as a medical procedure, if no one qualified to do so was present. On one occasion, Beth Meacham did inject a patient, who was also her friend, with urine at the clinic, with the consent of respondent.

C. Respondent assisted Beth Wilde Meacham and Ivan Eldon Meacham in supervising medical activities and medical personnel at the Arrowhead Medical Clinic.

1. Beth Meacham employed, terminated, and supervised all employees, both licensed and unlicensed, of the Arrowhead Medical Clinic. She did confer with respondent in hiring licensed personnel. Beth Meacham stood in the shoes of respondent in that capacity, even to the extent of instructing the physicians and physician's assistants of the clinic.

Respondent instructed Beth Meacham in the practices and procedures to be followed at Arrowhead Medical Clinic, and she was to implement his instructions, including the instruction of the physician's assistants in performing the urine treatment. Pursuant to respondent's directions, Beth Meacham did instruct the physician, physician's assistants and support personnel in their job duties and functions. However, Beth Meacham, herself, was at the Arrowhead Medical Clinic only about twice a week and she delegated the duty of running the office to one Vera Fabin, whose position was that of a front office girl.

2. Respondent instructed Beth Meacham to hire a physician in the area to supervise the physician's assistants as he was too busy. As a consequence, Beth Meacham hired Abraham Joseph, M.D. in late April of 1981 and terminated him three weeks later. She also hired Edwin Reidell, M.D.; Charles Baker, Jr., a physician's assistant who never met

respondent duirng his employment at the clinic from November of 1980 to January of 1981; Monty Koelling, a physician's assistant; and Felix Gomez, who did not then hold a valid physician's assistant's license.

3. Ivan Eldon Meacham is a retired public accountant. He conducted the initial employment interview of Felix Gomez and interviewed other prospective employees of the Arrowhead Medical Clinic.

V

Between on or about January 1981, and May 15, 1981, respondent aided and abetted Felix Gomez, an unlicensed individual, to engage in the practice of medicine at the Arrowhead Medical Clinic, 2102 North Arrowhead, San Bernardino, California.

A. Respondent first met Gomez through a physician who practiced emergency medicine and spoke highly of Felix Gomez's competency. Respondent interviewed him and was quite satisfied with his qualifications. Respondent was not then aware of Felix Gomez's non-licensed status.

B. However, respondent did have imputed knowledge through his agents, Beth and Ivan Eldon Meacham, of Felix Gomez's non-licensed status. Subsequent to respondent's interview referred to in Finding V-A, above, Ivan Eldon Meacham interviewed Felix Gomez, who told Mr. Meacham that he was licensed but was having trouble getting it renewed, although he expected to have it within a few days. Mr. Meacham conveyed the information to Beth Meacham, who thereafter hired Felix Gomez to work as a physician's assistant at the Arrowhead Medical Clinic.

C. Felix Gomez was placed in charge of th Weight Reduction Program at Arrowhead Medical Clinic, where he did administer medication, give injections, and otherwise treated patients. He also rendered medical services at board and care homes.

VI

Between on or about April 13, 1979, and the present, respondent aided, as provided in Business and Professions Code Section 2264, physician's assistants Terry Day, Charles C. Baker, Jr., and Monty Koelling, to practice medicine without licenses in that respondent aided them to practice without sufficient supervision at the Arrowhead Medical Clinic.

A. Between March 19, 1979 and January 15 or 19, 1981, respondent failed to sufficiently supervise his physician's assistant Terry Day. He was hired by Beth Meacham who required him to sign an employment contract wherein he agreed that he would

not practice within a ten mile radius of the clinic upon the termination of employment. Beth Meacham told Terry Day that Dr. Bryce would be his supervising physician but during the period of employment, Dr. Bryce met with Terry Day less than a dozen times, and most of these meetings occurred at Dr. Bryce's Garden Grove clinic; they conversed on the telephone approximately one hundred times, although Terry Day was usually able to contact his supervising physician whenever he attempted to do so. At the outset, Dr. Bryce appeared at the Arrowhead Medical Clinic once or twice a month but due to his preoccupation at his other clinics, his visits became fewer until Terry Day did not see him at the clinic for six months at a time.

1. Dr. Bryce and Beth Meacham employed Edwin Reidell, M.D. (#07,KD016630) to supervise the physician's assistants at the Arrowhead Clinic, as set forth in Finding IV, C 2; however, Dr. Reidell was not then approved by the Physician's Assistant Examining Committee to supervise a physician's assistant, nor has he ever applied to do so.

2. In the fall of 1980, Terry Day became very concerned over the lack of supervision and contacted an investigator of the Board, one Don Alley, and sought his advice. Don Alley told Terry Day to get out of the relationship. Terry Day also consulted an attorney in an attempt to break his employment contract as he was restricted by the covenant not to compete within a ten mile radius of the clinic. The record, is not clear, however, as to when the consultation occurred. Terry Day's residence was, and still is, in the area.

3. A major impediment in Terry Day's failure to quickly extricate himself from the situation when he first became aware of the lack of supervision was the fact that early in his employment, in August and October of 1979, Beth Meacham obtained two year loans totalling $16,500 from Terry Day and his mother, which sum was a considerable portion of his inheritance from his father's estate. The money was to have been used to keep the clinic in operation. Interest only was to be paid during the two year period and the principle was not due until the two years were up. On January 5, or 19, 1981, respondent walked away from the situation and Beth Meacham, and her husband Ivan Eldon Meacham, were later discharged in bankruptcy of the $16,500 debt.

4. While employed at the Arrowhead Clinic, Terry Day had access to over a thousand pre-signed prescriptions by respondent in the custody of an office girl for use during respondent's absence. Terry Day did not use such prescriptions.

B. Between November 21, 1980 and January 19, 1981, respondent failed to sufficiently supervise his Physician's Assistant Charles Baker, Jr., by reason of respondent's preoccupation with other facilities he was more actively involved with. Charles Baker, Jr., was hired by Beth Meacham and never met respondent nor spoke to him over the telephone. Respondent left the supervision of Charles Baker, Jr., to Beth Meacham, Terry Day, and Edwin Reidell, M.D., referred to in Finding VI-B, 1. Within a reasonable period of time after becoming aware of Dr. Bryce's lack of personal supervision, Charles Baker, Jr. quit his position on January 19, 1981, as a physician's assistant at the Arrowhead Medical Clinic.

C. Respondent failed to sufficiently supervise his Physician's Assistant Monty Koelling, whom respondent never met or spoke to on the telephone. Monty Koelling had been hired by Beth Meacham, who also hired Abraham Joseph, M.D., around April of 1981 to supervise said physician's assistant. Respondent never met Dr. Joseph in person but did speak to him twice over the telephone. Dr. Joseph is a Board certified internist and practiced as he saw fit.

VII

At or about the time respondent was supposedly practicing medicine at the Arrowhead Medical Clinic through physician's assistants, non-authorized supervising physicians, and unlicenxed co-owners of the medical practice, he was operating three other allergy care clinics in the Southern California cities of Lakewood, Garden Grove, and Azusa. Respondent's evidence failed to establish that he spent 4 to 6 hours every Monday and Thursday at the Arrowhead Medical Clinic, or even every other week at the clinic. Although Beth Meacham did transport patient charts for his review at his other office, it was not established that said procedure was sufficient. Respondent seems to infer that his physician's assistants were almost always servicing patients in board and care homes whenever he was supervising at the Arrowhead Medical Clinic and therefore they never or rarely saw him; such an inference was not established by the facts. Respondent's conduct in failing to supervise sufficiently, in employing unauthorized physicians to supervise his physician's assistants, and to otherwise aid and abet unlicensed persons to engage in the practice of medicine is found to be deliberate and flagrant.

VIII

At the present time, respondent has two offices as follows:

400 No San Gabriel Azusa
17220 New Hope Street, Fountain Valley

He specializes in nutrition and allergy therapy through nutrition. He employs five persons and is not utilizing a physician's assistant.

IX

All motions and arguments not affirmed or denied herein, or on the record, are found not to be established by the facts or law and are accordingly denied. All factual allegations of the parties not hereinabove found to be true are found to be unproved.

* * * * *

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

I

Cause for disciplinary action against respondent's license exists pursuant to the provisions of Business and Professions Code Section 2220 in conjunction with Section 2264 in that respondent aided and abetted Beth Wilde Meacham and Ivan Eldon Meacham to engage in the practice of medicine as set forth in Findings IV A, B, and C, hereinabove; aided and abetted Felix Gomez, an unlicensed person, to engage in the practice of medicine as set forth in Findings V A, B, and C; and aided physician's assistants Terry Day, Charles Baker, Jr., and Monty Koelling to practice medicine without licenses by reason of respondent's insufficient supervision as set forth in Findings VI A, B, and C, hereinabove.

II

Cause for the suspension or revocation of respondent's approval to supervise physician's assistants exists pursuant to the provisions of Business and Professions Code Sections 2220 in conjunction with Sections 3527(c) and 2264 by reason of respondent's violation of Section 2264 as set forth in Determination I, hereinabove.

III

In determining the penalty to be imposed, all evidence of aggravation has been taken into consideration.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

1. Physician's and Surgeon's Certificate No. A-28255 heretofore issued to William C. Bryce, M.D. by the Board of Medical Quality Assurance is hereby revoked pursuant to Determination I, hereinabove; provided, however, that said revocation is stayed and respondent is placed on probation for five (5) years upon the following terms and conditions:

A. As part of probation, respondent is suspended from the practice of medicine for ninety (90) days beginning the effective date of this decision.

B. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in California.

C. 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.

D. Respondent shall comply with the Division's probation surveillance program.

E. Respondent shall appear in person for interviews with the Division's medical consultant upon request at various intervals and with reasonable notice.

F. In the event respondent should leave California to reside or to practice outside the State, respondent must notify the Division in writing of the dates of departure and return. Periods of residency or practice outside California will not apply to the reduction of this probationary period.

G. Upon successful completion of probation, respondent's certificate will be fully restored.

H. If respondent vioaltes probation in any respect, the Division after giving respondent notice and the opportunity to be heard, may revoke probationand carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the Division shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

2. The Certificate of Approval to Supervise Physician's Assistants heretofore issued to William C. Bryce, M.D., by the Board is hereby revoked as to Determination II, hereinabove.

I hereby submit the foregoing which constitutes my Proposed Decision in the above-entitled matter, as a result of the hearing had before me on the above dates, at San Bernardino, California, and recommend its adoption as the decision of the Board of Medical Quality Assurance.

DATED: OCT 23 1984

Marguerite C. Geftakys

MARGUERITE C. GEFTAKYS
Administrative Law Judge
Office of Administrative Hearings

MCG:mh