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

In the Matter of the Accusation Against:	)	
	)	
	)	
DAVID JOSHUA WOODING, M.D.	)	Case No. 800-2015-016278
	)	
Physician's and Surgeon's	)	
Certificate No. G 61938	)	
	)	
Respondent	)	
	)	

DECISION AND ORDER

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 May 30, 2019.

IT IS SO ORDERED April 30, 2019.

MEDICAL BOARD OF CALIFORNIA

By: Kristina Lawson

Kristina D. Lawson, J.D., Chair
Panel B

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General
GIOVANNI F. MEJIA
Deputy Attorney General
State Bar No. 309951
600 West Broadway, Suite 1800
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 738-9072
Facsimile: (619) 645-2061

Attorneys for Complainant

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

In the Matter of the Accusation Against: **DAVID JOSHUA WOODING, M.D.** P. O. Box 52347 Riverside, CA 92517, **Physician's and Surgeon's Certificate No. G 61938,** Respondent.	Case No. 800-2015-016278 OAH No. 2018100342 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

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

PARTIES

1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board of California (Board). She brought this action solely in her official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Giovanni F. Mejia, Deputy Attorney General.

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2. Respondent David Joshua Wooding, M.D. (Respondent) is represented in this proceeding by attorney Paul Spackman, Esq., whose address is: Iungerich & Spackman, APLC, 28441 Highridge Road, Suite 201, Rolling Hills Estates, CA 90274.

3. On or about November 30, 1987, the Board issued Physician's and Surgeon's Certificate No. G 61938 to David Joshua Wooding, M.D. (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. 800-2015-016278, and will expire on April 30, 2019, unless renewed.

JURISDICTION

4. Accusation No. 800-2015-016278 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 July 17, 2018. Respondent timely filed his Notice of Defense contesting the Accusation. A true and correct copy of Accusation No. 800-2015-016278 is attached hereto as exhibit A and incorporated by reference as if fully set forth herein.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2015-016278. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. 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.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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CULPABILITY

8. Respondent agrees that, at an administrative hearing, Complainant could establish a prima facie case with respect to the charges and allegations in Accusation No. 800-2015-016278, and that he has thereby subjected his Physician's and Surgeon's Certificate No. G 61938 to disciplinary action. Respondent further agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below, and that failure to comply with the Disciplinary Order shall constitute unprofessional conduct and grounds for further disciplinary action.

9. Respondent further agrees that if an accusation and or petition for revocation of probation is filed against him before the Board, or, if he ever petitions for early termination or modification of any term or condition of probation, all of the charges and allegations contained in Accusation No. 800-2015-016278 shall be deemed true, correct and fully admitted by Respondent for purposes of that proceeding or any other licensing proceeding involving Respondent in the State of California or elsewhere.

CONTINGENCY

10. The parties agree that this Stipulated Settlement and Disciplinary Order shall be subject to approval by the Board. The parties further agree that this Stipulated Settlement and Disciplinary Order shall be null and void and not binding upon the parties unless approved and adopted by the Board, except for this paragraph, which shall remain in full force and effect. Respondent fully understands and agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and Disciplinary Order, the Board may receive oral and/or written communications from the Board's staff and/or the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the Board, any member thereof, and/or any other person from future participation in this or any other matter affecting or involving Respondent. In the event that the Board does not, in its discretion, approve and adopt this Stipulated Settlement and Disciplinary Order, with the exception of this paragraph, it shall not become effective, and shall be of no evidentiary value whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party hereto. Respondent further agrees that should this Stipulated

Settlement and Disciplinary Order be rejected for any reason by the Board, Respondent will assert no claim that the Board, or any member thereof, was prejudiced by its/his/her review, discussion and or consideration of this Stipulated Settlement and Disciplinary Order or any matter or matters related hereto.

ADDITIONAL PROVISIONS

11. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to be an integrated writing representing the complete, final and exclusive embodiment of the agreement of the parties in the above-entitled matter.

12. The parties agree that copies of this Stipulated Settlement and Disciplinary Order, including copies of the signatures of the parties, may be used in lieu of original documents and signatures and, further, that such copies shall have the same force and effects as originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

1. **PUBLIC REPRIMAND.** IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 61938 issued to Respondent David Joshua Wooding, M.D., shall be and is hereby publicly reprimanded pursuant to Business and Professions Code section 2227, subdivision (a), paragraph (4). This public reprimand, which is issued in connection with Respondent's care and treatment of a patient, as set forth in Accusation No. 800-2015-016278, is as follows:

> You are hereby publicly reprimanded with regard to the care and treatment you provided to a patient on or about May 21 and 22, 2014 as more fully set forth in Accusation No. 800-2015-016278, a true and correct copy of which is attached hereto as exhibit A and incorporated by reference as if fully set forth herein.

2. **EDUCATION COURSE.** Within 60 calendar days of the effective date of this Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee for its prior approval educational program(s) or course(s) which shall not be less than 40 hours.

The educational program(s) or course(s) shall be aimed at correcting any areas of deficient practice or knowledge and shall be Category I certified. The educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure. Following the completion of each course, the Board or its designee may administer an examination to test Respondent's knowledge of the course. Within twelve (12) months of the effective date of this Disciplinary Order, Respondent shall provide proof of attendance for 65 hours of CME of which 40 hours were in satisfaction of this condition. Failure to participate in and successfully complete the educational program(s) or course(s) as set forth herein shall constitute unprofessional conduct and grounds for further disciplinary action.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Paul Spackman, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. G 61938. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 3-25-2019

DAVID JOSHUA WOODING, M.D.
Respondent

I have read and fully discussed with Respondent David Joshua Wooding, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____

PAUL SPACKMAN, ESQ.
Attorney for Respondent

ENDORSEMENT

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

Dated:

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General

GIOVANNI F. MEJIA
Deputy Attorney General
Attorneys for Complainant

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Paul Spackman, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. G 61938. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: _____

DAVID JOSHUA WOODING, M.D.
Respondent

I have read and fully discussed with Respondent David Joshua Wooding, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: March 25, 2019

PAUL SPACKMAN, ESQ.
Attorney for Respondent

ENDORSEMENT

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

Dated:

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General

GIOVANNI F. MEJIA
Deputy Attorney General
Attorneys for Complainant

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Paul Spackman, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. G 61938. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: _____

DAVID JOSHUA WOODING, M.D.
Respondent

I have read and fully discussed with Respondent David Joshua Wooding, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____

PAUL SPACKMAN, ESQ.
Attorney for Respondent

ENDORSEMENT

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

Dated: 3/25/19

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General

GIOVANNI F. MEJIA
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 800-2015-016278

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General
GIOVANNI F. MEJIA
Deputy Attorney General
State Bar No. 309951
600 West Broadway, Suite 1800
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 738-9072
Facsimile: (619) 645-2061

Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO July 17 20 18
BY K. Uzong ANALYST

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

In the Matter of the Accusation Against: **David Joshua Wooding, M.D.** **P. O. Box 52347** **Riverside, CA 92517** **Physician's and Surgeon's Certificate No. G 61938,** Respondent.	Case No. 800-2015-016278 **A C C U S A T I O N**

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about November 30, 1987, the Medical Board issued Physician's and Surgeon's Certificate Number G 61938 to David Joshua Wooding, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2019, unless renewed.

JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board), Department of Consumer Affairs, 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."

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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:

"...

"(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.

"..."

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

6. Respondent's Physician's and Surgeon's Certificate No. G 61938 is subject to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of the Code in that he committed gross negligence in his care and treatment of a patient as more particularly alleged hereinafter:

7. On or about May 21, 2014, an approximately 79-year-old male patient (Patient)[1] and his spouse presented to the emergency room at Kaiser Permanente Riverside Medical Center in

[1] The patient's name is withheld herein to protect patient confidentiality.

Riverside, California (Kaiser Riverside) reporting a head injury and injuries to the arms and hands of Patient after a stumble and fall while attempting to climb stairs.

8. On or about May 21 and 22, 2014, Respondent examined and treated Patient at Kaiser Riverside. In the course of such examination and treatment, Respondent documented that Patient had skin abrasions and lacerations, and avulsions of the skin inclusive of the scalp and both arms.

9. Respondent also documented that Patient had been or was taking anticoagulant or antiplatelet medications including, but not limited to, Coumadin, Plavix and aspirin.

10. On or about May 22, 2014, after Patient's skin wounds were cleaned and dressed, Patient was discharged home. Respondent documented that Patient's condition on discharge was stable and improved. Patient was given discharge instructions regarding caring for closed wounds.

11. At no point on May 21 or 22, 2014, did Respondent order any radiographic or laboratory testing of Patient. No such testing of Patient was performed at Kaiser Riverside on those dates.

12. On or about May 22, 2014, after Patient was discharged from Kaiser Riverside, he was taken by ambulance to Riverside County Hospital (RCH) where he presented unresponsive.

13. A CT scan performed at RCH found that patient had a large subdural hematoma with compression of his right cerebral hemisphere and an approximately 2.2 cm shift of midline structures to the left.

14. On or about May 22, 2014, a craniotomy, hematoma evacuation and decompression surgery was performed on Patient at RCH.

15. After the surgery, however, Patient continued to do poorly and he ultimately died at RCH on or about June 3, 2014.

16. Respondent committed gross negligence in his care and treatment of Patient including, but not limited to, failing to obtain an appropriate imaging and diagnostic workup in a patient with head trauma and intracranial hemorrhage risk factors.

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SECOND CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

17. Respondent's Physician's and Surgeon's Certificate No. G 61938 is further subject to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (c), of the Code in that he committed repeated negligent acts in his care and treatment of a patient as more particularly alleged hereinafter:

18. Paragraphs 6 through 16, above, are hereby incorporated by reference and re-alleged as if fully set forth herein.

19. Respondent committed negligence in his care and treatment of Patient including, but not limited to, failing to obtain appropriate laboratory testing on an anticoagulated trauma patient.

PRAYER

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 61938, issued to David Joshua Wooding, M.D.;

2. Revoking, suspending or denying approval of David Joshua Wooding, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering David Joshua Wooding, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

4. Taking such other and further action as deemed necessary and proper.

DATED: July 17, 2018

KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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