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

In the Matter of the Accusation Against: **Tonja Lynette Harris-Stansil, M.D.** **Physician's & Surgeon's Certificate No. A 88521** **Respondent.**	**Case No. 800-2016-023440**

DECISION

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 July 30, 2020.

IT IS SO ORDERED June 30, 2020.

MEDICAL BOARD OF CALIFORNIA

Ronald H. Lewis, M.D., Chair
Panel A

XAVIER BECERRA
Attorney General of California
STEVEN D. MUNI
Supervising Deputy Attorney General
MEGAN R. O'CARROLL
Deputy Attorney General
State Bar No. 215479
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 210-7543
Facsimile: (916) 327-2247
Attorneys for Complainant

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

In the Matter of the Accusation Against: **TONJA LYNETTE HARRIS-STANSIL, M.D.** **1234 E NORTH STREET, STE. 102** **MANTECA, CA 95336** **Physician's and Surgeon's Certificate No. A 88521** Respondent.	Case No. 800-2016-023440 OAH No. 2019070232 **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. Christine J. Lally (Complainant) is the Interim 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 Megan R. O'Carroll, Deputy Attorney General.

2. Respondent Tonja Lynette Harris-Stansil, M.D. (Respondent) is represented in this proceeding by attorney Dominique A. Pollara, whose address is: 3600 American River Drive, Suite 160, Sacramento, CA 95864.

3. On or about August 11, 2004, the Board issued Physician's and Surgeon's Certificate No. A 88521 to Tonja Lynette Harris-Stansil, 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. 800-2016-023440, and will expire on April 30, 2020, unless renewed.

JURISDICTION

Accusation No. 800-2016-023440 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 June 7, 2019. Respondent timely filed her Notice of Defense contesting the Accusation.

4. A copy of Accusation No. 800-2016-023440 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2016-023440. 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 her 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 her; the right to present evidence and to testify on her 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.

CULPABILITY

8. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2016-023440, if proven at a hearing, constitute cause for imposing discipline upon her Physician's and Surgeon's Certificate.

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a prima facie case for the charges in the Accusation, and that Respondent hereby gives up her right to contest those charges.

10. Respondent agrees that her Physician's and Surgeon's Certificate is subject to discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

RESERVATION

11. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Medical Board of California or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

12. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

14. 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

A. PUBLIC REPRIMAND

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 88521 issued to Respondent Tonja Lynette Harris-Stansil, M.D. shall be and is hereby publically reprimanded pursuant to California Business and Professions Code, section 2227, subdivision (a)(4). This public reprimand, which is issued in connection with Respondent's care and treatment of a confidential patient, is based on the facts and allegations as set forth in in Accusation No. 800-2016-023440.

B. MEDICAL RECORDKEEPING COURSE

Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in medical record keeping approved in advance by the Board or its designee. Respondent shall provide the approved course provider with any information and documents that the approved course provider may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The medical record keeping course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the course, or not later than 15 calendar days after the effective date of the Decision, whichever is later. Failure to successfully complete and provide proof of attendance to the Board or its designee of the

educational program(s) or course(s) within 12 months of the effective date of this Decision, unless the Board or its designee agrees in writing to an extension of that time, shall constitute general unprofessional conduct and may serve as the grounds for further disciplinary action.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Dominique A. Pollara. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. 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: 1-27-2020 Tonja L. Harris-Stansil

TONJA LYNETTE HARRIS-STANSIL, M.D.
Respondent

I have read and fully discussed with Respondent Tonja Lynette Harris-Stansil, 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: 1/29/2020

DOMINIQUE A. POLLARA
Attorney for Respondent

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ENDORSEMENT

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

DATED: 1-29-2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
STEVEN D. MUNI
Supervising Deputy Attorney General

Megan R. O'Carroll

MEGAN R. O'CARROLL
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2016-023440

XAVIER BECERRA
Attorney General of California
STEVEN D. MUNI
Supervising Deputy Attorney General
MEGAN R. O'CARROLL
Deputy Attorney General
State Bar No. 215479
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 210-7543
Facsimile: (916) 327-2247
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO June 7 2019
BY K. Young ANALYST

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

In the Matter of the Accusation Against: **TONJA LYNETTE HARRIS-STANSIL, M.D.** **500 West Hospital Road** **French Camp, CA 95231** **Physician's and Surgeon's Certificate** **No. A 88521,** Respondent.	Case No. 800-2016-023440 **A C C U S A T I O N**

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 August 11, 2004, the Medical Board issued Physician's and Surgeon's Certificate Number A 88521 to Tonja Lynette Harris-Stansil, 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, 2020, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board, 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, in pertinent part:

"(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.

"..."

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:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

"(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.

"(d) Incompetence.

"(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.

"(f) Any action or conduct which would have warranted the denial of a certificate.

"(g) The practice of medicine from this state into another state or country without meeting the legal requirements of that state or country for the practice of medicine. Section 2314 shall not apply to this subdivision. This subdivision shall become operative upon the implementation of the proposed registration program described in Section 2052.5.

"(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board."

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6. Section 2266 of the Code states: The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct.

FIRST CAUSE FOR DISCIPLINE
(Repeated Negligent Acts)

7. Respondent is subject to disciplinary action under section 2234, subdivision (c), in that she was repeatedly negligent in her care and treatment of a confidential patient[1], (C.P.). The circumstances are as follows:

8. Respondent is Board-certified in obstetrics and gynecology. C.P. was a 33-year-old woman when she began her prenatal care with Respondent on or about October 5, 2012, at eight weeks, five days of pregnancy. C.P. had a history of pre-term labor and gestational diabetes. She had undergone two previous cesarean sections. C.P. expressed a desire to have a vaginal birth after cesarean section (VBAC), after a trial of labor, and was consented for this. She was provided with a written informed consent of the risks of VBAC, including the risk of uterine rupture and death. During the prenatal care, C.P. was diagnosed with a low lying placenta. C.P.'s prenatal records do not contain any further treatment or monitoring for the low lying placenta. There was no documentation of serial measurement of lower uterine segment thickness or placental growth relative to the previous cesarean section scar.

9. On or about May 6, 2013, in the early morning, C.P. was admitted to Doctor's Hospital of Manteca in labor with spontaneous rupture of membranes. The fetal heart rate showed minimal variability at various points during the early morning, although nursing staff reported the variability was positive. At approximately 7:00 a.m., C.P. received an epidural for pain relief. Respondent saw C.P. later in the morning and determined she was in early labor with normal progress. No pelvic examination or review of the fetal heart strips was documented.

10. At approximately 9:30 a.m., C.P. began experiencing pain. The pain extended into the right lower quadrant. At approximately 11:00 a.m., C.P. received intravenous Fentanyl. The nurses observed decreased variability in the fetal heart rate and repositioned C.P. to her right side.

[1] The patient name has been omitted to protect patient confidentiality.

Respondent examined C.P. at approximately 12:30 p.m., and noted her cervix was dilated to eight centimeters and the vertex was at zero station. Respondent wrote the only progress note of the labor at approximately 12:35 p.m. She noted the dilation and station, and noted that C.P. reported right-sided pain only. Respondent did not document the pain further, did not document palpating the abdomen, and did not document any information about meconium, vaginal bleeding or blood in the abdomen.

11. The labor continued to the anterior lip. At 2:15 p.m., C.P. received additional Fentanyl for pain. The fetal heart decelerated. Nurses called Respondent at approximately 2:34 p.m. and asked her to come for the delivery. Shortly after calling Respondent, the nurses lost the fetal heart rate. Respondent arrived at C.P.'s room sometime between 2:43 p.m. and 2:49 p.m. A new scalp electrode and monitor cables were placed. Respondent called for a vacuum. At approximately 2:45 p.m., C.P. was completely dilated and at 2+ station. By 2:47, heart tones remained in the 60's.

12. Respondent asked C.P. to push. A sudden loss of fetal station was noted. Respondent diagnosed C.P. with uterine rupture and called for an emergency cesarean section. At 2:56 p.m., nurses called for a transfer to the Operating Room. A new foley catheter was placed.

13. C.P. was in the Operating Room by 3:00 p.m. Respondent had not alerted the Delivery Unit or the Anesthesia Department of the potential need for an emergency cesarean section in C.P.'s case. Respondent administered Marcaine, a local anesthetic. In the Operating Room, Respondent attempted to use the vacuum. It was not successful. There is no documentation of the details of the attempted use of the vacuum. Respondent made the first incision at 3:08 p.m. C.P. was experiencing extreme pain and pleaded with Respondent to stop the procedure and wait for anesthesia. Respondent continued the procedure. Respondent was unable to deliver the vertex through the skin.

14. At approximately 3:20 p.m., the anesthesiologist arrived. By 3:25 p.m., the anesthesiologist had induced general anesthesia of C.P. Respondent did not document the time of delivery, but it was sometime after general anesthesia was induced at 3:25 p.m. The baby was free floating in the abdomen and the placenta was detached. The baby did not survive.

Respondent's operative report did not document the presence or absence of blood in the abdomen. It did not address uterine bleeding from the rupture site.

Respondent was repeatedly negligent in her care and treatment of C.P. in that each of the following represents a separate departure from the standard of care:

(a) Failure to take appropriate precautions to prepare for an emergency cesarean section in a patient attempting a VBAC, including informing the labor and delivery staff and the Anesthesia Department of the potential need for emergency care;

(b) Failure to adequately and accurately document C.P.'s care; and

(c) Failure to discuss the risks and benefits of proceeding with an emergency cesarean section without the presence of adequate pain relief and obtain C.P.'s consent, either before or during the procedure.

SECOND CAUSE FOR DISCIPLINE
(Inadequate Recordkeeping)

15. Respondent is subject to disciplinary action under section 2266 of the Code by failing to maintain adequate and accurate records relating to the provision of medical care to C.P.

16. Paragraphs 8 through 14, above are incorporated by reference and repeated as if fully set forth.

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 A 88521, issued to Tonja Lynette Harris-Stansil, M.D.;

2. Revoking, suspending or denying approval of Tonja Lynette Harris-Stansil, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Tonja Lynette Harris-Stansil, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: June 7, 2019

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

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