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

In the Matter of the Accusation Against: **ANDREW CHARLES PATRINELLIS, M.D.** 1103 Trancas Street, Suite B Napa, CA 94558-2907 Physician's and Surgeon's Certificate No. A 68510 Respondent.	Case No. 800-2016-024459 OAH No. 2019110956

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Medical Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **July 21, 2020 at 5:00 p.m.**

It is so ORDERED JUL 08 2020.

William Prasifka
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
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Attorneys for Complainant

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

In the Matter of the First Amended Accusation Against: **ANDREW CHARLES PATRINELLIS, M.D.** 1103 Trancas Street, Suite B Napa, CA 94558-2907 Physician's and Surgeon's Certificate No. A 68510 Respondent.	Case No. 800-2016-024459 OAH No. 2019110956 **STIPULATED SURRENDER OF LICENSE AND 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 Rebecca D. Wagner, Deputy Attorney General.

2. Andrew Charles Patrinellis, M.D. (Respondent) is represented in this proceeding by attorneys Robert W. Hodges, of McNamara, Ney, Beatty, Slattery, Borges & Ambacher LLP,

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3480 Buskirk Avenue, Suite 250, Pleasant Hill, CA 94523, and Joseph S. Picchi, of Galloway, Lucchese, Everson & Picchi PC, 2300 Contra Costa Blvd., Suite 350, Pleasant Hill, CA 94523-2398.

3. On May 21, 1999, the Board issued Physician's and Surgeon's Certificate No. A 68510 to Andrew Charles Patrinellis, 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 this action and will expire on March 31, 2021, unless renewed.

JURISDICTION

4. Accusation No. 800-2016-024459 was filed before the Board on June 18, 2019; First Amended Accusation No. 800-2016-024459 was filed before the Board on January 21, 2020, and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent on January 21, 2020. Respondent timely filed his Notice of Defense contesting the Accusation and the First Amended Accusation. A copy of First Amended Accusation No. 800-2016-024459 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Accusation No. 800-2016-024459. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and 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 First Amended 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.

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

CULPABILITY

8. Respondent understands that the charges and allegations in First Amended Accusation No. 800-2016-024459, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

9. For the purpose of resolving the First Amended Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the First Amended Accusation and that those charges constitute cause for discipline. Respondent hereby gives up his right to contest that cause for discipline exists based on those charges.

10. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Physician's and Surgeon's Certificate without further process.

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 Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his 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 Surrender 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 Surrender of License and 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 Order:

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 68510, issued to Respondent Andrew Charles Patrinellis, M.D., is surrendered and accepted by the Board.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a Physician & Surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. The Board finds good cause to permit Respondent to petition for reinstatement of his license after two years. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in First Amended Accusation No. 800-2016-024459 shall be deemed to be true, correct, and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of

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California, all of the charges and allegations contained in First Amended Accusation No. 800-2016-024459 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 5/26/2020

Andrew Charles Patrinellis, M.D.
Respondent

I have read and fully discussed with Respondent Andrew Charles Patrinellis, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 5/26/2020

Robert W. Hodges
Attorney for Respondent

I have read and fully discussed with Respondent Andrew Charles Patrinellis, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: May 26, 2020

Joseph S. Picchi
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

DATED: July 6, 2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General

Rebecca D. Wagner

REBECCA D. WAGNER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 800-2016-024459

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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO January 21 2020
BY: Anna Logan ANALYST

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

In the Matter of the First Amended Accusation Against: **Andrew Charles Patrinellis, M.D.** **1103 Trancas Street, Suite B** **Napa, CA 94558-2907** **Physician's and Surgeon's Certificate No. A 68510,** Respondent.	Case No. 800-2016-024459 **FIRST AMENDED ACCUSATION**

Complainant alleges:

PARTIES

1. Christine J. Lally (Complainant) brings this First Amended Accusation solely in her official capacity as the Interim Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about May 21, 1999, the Medical Board issued Physician's and Surgeon's Certificate Number A 68510 to Andrew Charles Patrinellis, 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 March 31, 2021, unless renewed.

JURISDICTION

3. This First Amended Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his license revoked or suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring or such other action taken in relation to discipline as the Board deems 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.

" . . . "

6. Section 2238 of the Code states:

"A violation of any federal statute or federal regulation or any of the statutes or regulations of this state regulating dangerous drugs or controlled substances constitutes unprofessional conduct."

7. Section 2241 of the Code states:

"(a) A physician and surgeon may prescribe, dispense, or administer prescription drugs, including prescription controlled substances, to an addict under his or her treatment for a purpose other than maintenance on, or detoxification from, prescription drugs or controlled substances.

"(b) A physician and surgeon may prescribe, dispense, or administer prescription drugs or prescription controlled substances to an addict for purposes of maintenance on, or detoxification from, prescription drugs or controlled substances only as set forth in subdivision (c) or in Sections 11215, 11217, 11217.5, 11218, 11219, and 11220 of the Health and Safety Code. Nothing in this subdivision shall authorize a physician and surgeon to prescribe, dispense, or administer dangerous drugs or controlled substances to a person he or she knows or reasonably believes is using or will use the drugs or substances for a nonmedical purpose.

" . . . "

"(d)(1) For purposes of this section and Section 2241.5, "addict" means a person whose actions are characterized by craving in combination with one or more of the following:

"(A) Impaired control over drug use.

"(B) Compulsive use.

"(C) Continued use despite harm.

"(2) Notwithstanding paragraph (1), a person whose drug-seeking behavior is primarily due to the inadequate control of pain is not an addict within the meaning of this section or Section 2241.5."

8. Section 2242 of the Code states:

"(a) Prescribing, dispensing, or furnishing dangerous drugs as defined in Section 4022[1] without an appropriate prior examination and a medical indication, constitutes unprofessional conduct.

". . ."

9. Section 11350 of the Health and Safety Code states:

"(a) Every person who possesses. . .any controlled substance[2] or any controlled substance classified in Schedule III, IV, or V which is a narcotic drug[3] . . . unless upon the written prescription of a physician. . .shall be punished by imprisonment in county jail for not more than one year. . ."

10. Section 11352 of the Health and Safety Code states:

"(a) Except as otherwise provided in this division, every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state or administer, or give away. . .any controlled substance. . .unless upon the written prescription of a physician. . .shall be punished by imprisonment. . ."

11. Section 11377 of the Health and Safety Code states:

"(a) Except as authorized by law . . . every person who possesses any controlled substance which is classified. . .in Schedule III, IV or V, and which is not a narcotic drug. . .unless upon the written prescription of a physician. . .shall be punished by imprisonment. . ."

12. Section 11379 of the Health and Safety Code states:

"(a) Except as otherwise provided . . .every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away . . . any controlled substance . . .classified in Schedule III, IV, or V. . .unless upon the prescription of a physician. . .shall be punished by imprisonment. . ."

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[1] Dangerous drug is defined in section 4022 as any drug unsafe for self-use in humans or animals including drugs that require a prescription to be lawfully dispensed.

[2] Controlled substances are specified in Health and Safety Code 11054 (Schedule I), 11055 (Schedule II), 11056 (Schedule III) to include: opiates; opium derivatives; hallucinogenics; depressants; stimulants; hydrocodone, oxycodone, cocaine, and ketamine.

[3] Health and Safety Code outlines Schedule III (section 11056), Schedule IV (section 11057); and Schedule V (section 11058) controlled substances.

13. Section 11379.2 of the Health and Safety Code states: "Except as otherwise provided . . . every person who possesses for sale or sells any controlled substance specified in subdivision (g) of section 11056 shall be punished by imprisonment. . ."

14. Section 729 of the Code states:

"(a) Any physician and surgeon, psychotherapist, alcohol and drug abuse counselor or any person holding himself or herself out to be a physician and surgeon, psychotherapist, or alcohol and drug abuse counselor, who engages in an act of sexual intercourse, sodomy, oral copulation, or sexual contact with a patient or client, or with a former patient or client when the relationship was terminated primarily for the purpose of engaging in those acts, unless the physician and surgeon, psychotherapist, or alcohol and drug abuse counselor has referred the patient or client to an independent and objective physician and surgeon, psychotherapist, or alcohol and drug abuse counselor recommended by a third-party physician and surgeon, psychotherapist, or alcohol and drug abuse counselor for treatment, is guilty of sexual exploitation by a physician and surgeon, psychotherapist, or alcohol and drug abuse counselor.

". . ."

"For purposes of subdivision (a), in no instance shall consent of the patient or client be a defense. However, physicians and surgeons shall not be guilty of sexual exploitation for touching any intimate part of a patient or client unless the touching is outside the scope of medical examination and treatment, or the touching is done for sexual gratification.

"(c) For purposes of this section:

"(1) "Psychotherapist" has the same meaning as defined in Section 728.

"(2) "Alcohol and drug abuse counselor" means an individual who holds himself or herself out to be an alcohol or drug abuse professional or paraprofessional.

"(3) "Sexual contact" means sexual intercourse or the touching of an intimate part of a patient for the purpose of sexual arousal, gratification, or abuse.

"(4) "Intimate part" and "touching" have the same meanings as defined in Section 243.4 of the Penal Code.

". . ."

15. Section 726 of the Code states:

"(a) The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this or under any initiative act referred to in this division.

" . . . "

16. Section 2052 of the Code states:

"(a) . . .[A]ny person who practices or attempts to practice. . .any system or mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment, blemish, deformity, disease, disfigurement, disorder, injury or other physical or mental condition of any person, without . . . being authorized to perform the act is guilty of a public offense. . ."

"(b) Any person who conspires with or aids or abets another to commit any act described in subdivision (a) is guilty of a public offense . . ."

" . . ."

17. 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."

18. Section 2228.1 of the Code states:

"(a) On or after July 1, 2019, except as otherwise provided in subdivision (c), the board shall require a licensee to provide a separate disclosure that includes the licensee's probation status, the length of probation, the probation end date, all practice restrictions placed on the licensee by the board, the board's telephone number, and an explanation of how the patient can find further information on the licensee's probation on the licensee's profile page on the board's online license information Internet Web site, to a patient or the patient's guardian or health care

surrogate before the patient's first visit following the probationary order while the licensee is on probation pursuant to a probationary order made on or after July 1, 2019, in any of the following circumstances:

(1) A final adjudication by the board following an administrative hearing or admitted findings or prima facie showing in a stipulated settlement establishing any of the following:

(A) The commission of any act of sexual abuse, misconduct, or relations with a patient or client as defined in Section 726 or 729;

(B) Drug or alcohol abuse directly resulting in harm to patients or the extent that such use impairs the ability of the licensee to practice safely;

" . . . "

(D) Inappropriate prescribing resulting in harm to patients and a probationary period of five years or more;

(2) An accusation . . .and a stipulated settlement. . .that the disclosure requirements of this section would serve to protect the public interest.

(b) A licensee required to provide a disclosure pursuant to subdivision (a) shall obtain from the patient, or the patient's guardian or health care surrogate, a separate, signed copy of that disclosure.

" . . . "

BACKGROUND FACTS

19. At all times relevant to this matter, Respondent was licensed and practicing medicine in California, specializing in internal medicine and medical esthetics. Respondent is the Medical Director of Hayes Valley Medical & Esthetics which has locations in San Francisco and Larkspur, California. Respondent is also the Medical Director of Luminous Skin Care and Medspa in Novato, California and Napa Valley Medical and Esthetics in Napa, California. In

addition, he maintains a private practice in internal medicine at Napa Valley, MD in Napa, California.

PATIENT P-1[4]

20. Respondent met Patient P-1 socially in 2016, and began treating her as a patient early in 2017. Respondent treated Patient P-1 for a variety of issues including insomnia, trouble concentrating, ongoing back pain, and several minor illnesses and injuries.

21. Prior to Patient P-1's first visit with Respondent on January 12, 2017, Respondent prescribed her Ambien[5] and Adderall[6] on December 6, 2016. Respondent's medical record contains no documentation of the prescriptions.

22. During 2017, Patient P-1 was seen by Respondent at his internal medicine practice approximately seven times, and she was also treated at Respondent's skin care center. During this time, Respondent was acting as Patient P-1's primary care physician. Patient P-1 requested, and received, a prescription for Adderall, based on her self-report of having trouble concentrating in school and a reported history of Attention Deficit Disorder (ADD).[7] Respondent issued the prescription without reviewing prior records and without conducting an appropriate examination or evaluation of Patient P-1. Nevertheless, the prescription for Adderall was refilled sporadically (2/17/2017, 3/10/2017, 8/25/2017), and the last prescription was refilled on January 6, 2018 after a medical office visit on December 29, 2017. Also on January 6, 2018, Respondent added a

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[4] The patients are designated in this document as Patients P-1 and P-2 to protect their privacy. Respondent knows the names of the patients and can confirm their identities through discovery.

[5] Ambien is a trade name for Zolpidem which is a sedative commonly used to treat insomnia. Ambien is a Schedule IV controlled substance and a dangerous drug as defined in section 4022.

[6] Adderall is a combination medication containing four salts of amphetamine which is also known as dextroamphetamine saccharate and is used in the treatment of attention deficit hyperactivity disorder and narcolepsy. Adderall is also used recreationally as an aphrodisiac and euphoriant. Adderall is a Schedule II controlled substance with a high potential for abuse and is a dangerous drug as defined in section 4022.

[7] ADD is a chronic condition including attention difficulty, hyperactivity, and impulsiveness.

prescription of Clonazepam[8]. Respondent's record does not reveal why the Clonazepam was prescribed.

23. Respondent knew that Patient P-1 had a history of substance abuse, ongoing drug use and psychiatric issues, and nevertheless continued to prescribe Adderall to her.

24. Respondent, on several occasions, provided medical care to Patient P-1 without appropriate documentation. Respondent did not document a medical indication for prescribing Ambien and Adderall in December 2016. Respondent injected Patient P-1's facial cyst at her house without documentation and stated he would bring "prescription pads" when he visited her[9]. However, Respondent did not document in the medical record these visits or prescriptions. Respondent wrote Patient P-1 a note excusing her from school for August 28, 2017 claiming she was seen in his office, however, the medical records show that Patient P-1 missed this office appointment.

25. During the time that he treated and prescribed to Patient P-1, Respondent paid for a P.O. Box that he rented for Patient P-1 accessed with a password he created "DaddyLittle69".

26. Also during the time that Respondent treated and prescribed to Patient P-1, he paid for purchases for Patient P-1 on her Etsy account[10] using his credit card. The Etsy purchases totaled $886.43 and included the following: jewel hoodie dress, Burning Man goggles, jeweled dust masks, holographic leggings, a velvet body suit, butterfly wings, python pants, a chain bra, lace leotard lingerie and steampunk goggles.

27. Both before, and during, the period of time Patient P-1 was his patient, Respondent paid for multiple pole dance lessons for Patient P-1.

28. On multiple occasions between October 2016 and January 2018, Respondent deposited cash into Patient P-1's bank account for a total of $3,920.00.

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[8] Clonazepam is a medication used to prevent and treat seizures and panic disorder. Clonazepam is a Schedule IV controlled substance and a dangerous drug as defined in section 4022.

[9] Respondent communicated directly with Patient P-1 by telephone, text messages, and through social media.

[10] Etsy is an e-commerce website focused on handmade or vintage items and craft supplies.

29. Respondent frequently exchanged Facebook and text messages with Patient P-1 which were highly personal and referenced sexual activity and drug use. As an example, between December 23, 2017 to January 7, 2018, Respondent and Patient P-1 exchanged 157 texts messages and of those 21 contained pictures and/or video.

30. Respondent texted his feelings for Patient P-1 many times, including but not limited to, the following: "I love you" (12/10/2017); "I was just watching something kinda sexy, and all I could think about was you!" (12/12/2017); he said he was sending "exciting" links and for her to "please feel free to touch and play with yourself if you like them. . ." (12/12/2017); he texted he "can't wait to hold you!" (12/12/2017); "when do I get to see you again?" and "you bring out the lover in me" (12/28/2017) to which Patient P-1 responded "I can't wait to see you and hug you and kiss you and be with you again!"; Respondent texted back that "it was nice to see you last night" and I am "sexually attracted to you" and we could "try to make love" (1/3/2018). Respondent texted his patient that they might be incredible for each other in our "alt world of bdsm[11] that we love so much" and "so excited just thinking kissing your lips deeply, and squeezing your bottom" and "swelling harder and harder, and wishing your beautiful mouth was here to start sucking on my very excited member" (12/20/2017).

31. Respondent sent Patient P-1 multiple pornographic images of a naked woman on a man's lap with the words "spank me" and a picture of his erect penis with the words "Daddy's Cock wants your bare bottom to bounce, serve and obey" (1/5/2018). Respondent sent Patient P-1 a topless picture of her (11/24/2017). Respondent invited Patient P-1 to a New Year's Eve Party with him despite her protestations that she was too tired (12/31/2017).

32. Respondent also texted medical advice/treatment/information on multiple occasions intermixed with personal texts. For example, on December 11, 2017, Respondent agreed by text to treat Patient P-1's cyst with a cortisone injection and they arranged a time to meet up. No such injection or treatment is documented in Patient P-1's medical records. On December 12, 2017, Respondent agreed to bring "prescription pads" to their dinner date when Patient P-1 stated she

[11] BDSM is a variety of often erotic practices or roleplaying involving bondage, discipline, dominance and submission.

was "out of meds". On January 3, 2018, Patient P-1 texted Respondent a picture of the letter K and described that as being her right now, Respondent asked "Special K?"[12] and said "enjoy the ride".

33. During this same time period, on January 6, 2018, Respondent prescribed to Patient P-1 30 tabs of Adderall and 30 tabs of Clonezepam.

34. Patient P-1 shared her psychological distress with Respondent on multiple occasions including, but not limited to, the following messages: "depression is hitting me so hard this winter" "I just feel so alone" (12/21/2017); I was "super depressed last night and had sort of a breakdown" (12/23/2017); "I need to quit drinking soon. It's making my depression worse." (12/23/2017), to which Respondent replied, "Okay then let's do "K".

35. On January 3, 2018, Respondent texed Patient P-1 that "it was nice to see you last night" and "I know you are having issues". On January 8, 2018 at 2:29 p.m., Patient P-1 texted Respondent asking to talk to him and he told her to call after 7:00 p.m.

36. Patient P-1 hanged herself with a belt on January 9, 2018, and died the next day when life support was withdrawn. Patient P-1 had amphetamine in her system at the time of her death.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct/Sexual Misconduct/Sexual Exploitation of a Patient/Gross Negligence)

37. Respondent Andrew Charles Patrinellis, M.D. is subject to disciplinary action under Section 2234(a) and (b) for unprofessional conduct and/or gross negligence and/or Section 726 and/or Section 729 of the Code in that he engaged in Sexual Misconduct and/or Sexual Exploitation of Patient P-1 as described above, including, but not limited to, the following:

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[12] "Special K" is slang term for Ketamine which is a medication mainly used for starting and maintaining anesthesia. Special K is a drug often used at rave parties which provides a trippy, dissociative sensation. Ketamine is also commonly used as a club drug and is a medication used to induce a trance-like state providing pain relief, sedation and memory loss. Ketamine is a Schedule III controlled substance. [Health and Safety Code 11056(g)]

A. Respondent deviated from accepted doctor-patient boundaries by exchanging graphic sexual material with Patient P-1, by giving her money and access to his credit cards, by sexual contact, and by inviting her to a party and encouraging drug use while knowing of Patient P-1's ongoing struggles with substance abuse.

B. Respondent prescribed controlled substances to a patient with known vulnerabilities at a time when he was engaging in an unethical and inappropriate sexualized relationship with Patient P-1.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct/Improper Prescribing of Controlled Substances/Gross Negligence/Repeated Negligent Acts/Incompetence)

38. Respondent Andrew Charles Patrinellis, M.D. is subject to disciplinary action under section 2234, subdivisions (b) (gross negligence), (c) (repeated negligent acts), (d) (incompetence), and 2242 (improper prescribing) of the Code in that Respondent committed gross negligence and/or repeated negligent acts and/or incompetence and/or prescribing without an appropriate prior examination and medical indication in the practice of medicine as described above including, but not limited to, the following:

A. Respondent prescribed the controlled substances/dangerous drugs Ambien and Adderall without an appropriate prior physical examination or assessment of the patient, and in the absence of medical indication.

B. Respondent again prescribed Adderall approximately two months after the first office visit with no documentation of the prior prescription, and in the absence of documented medical indication for the prescription, and without conducting an/or documenting an evaluation or assessment to support a diagnosis.

C. Respondent improperly prescribed Adderall despite several issues that should have raised concern including: no documentation of prior diagnosis of ADD, patient's known history of substance abuse, sporadic use of Adderall indicating Patient P-1 was not using the prescription

for its intended medical purpose for daily concentration, request for a dosage increase, Patient P-1's trouble with ongoing drug use, and ongoing psychiatric issues.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct/Repeated Negligent Acts/Failure to Maintain Adequate Records)

39. Respondent Andrew Charles Patrinellis, M.D. is subject to disciplinary action under section 2234, subdivision (c) (repeated negligent acts) and/or 2266 (inadequate records) of the Code in that Respondent has committed repeated negligent acts and/or failed to maintain adequate records in the practice of medicine as described above including, but not limited to the following:

A. Respondent repeatedly failed to document medical care provided to Patient P-1 including: no medical notes or record for the 2016 encounter when prescriptions were first written, injection of a facial cyst at Patient P-1's home with no documentation in the medical record, stating that he will bring "prescription pads" to patient without documentation of the prescriptions, writing a school excuse note for August 28, 2017 which falsely stated that Patient P-1 was seen that day at the medical office. Respondent admitted during his Board interview that he wrote the note so Patient P-1 could attend a music festival, and that there was no medical basis for the patient's absence from school.

PATIENT P-2

40. Patient P-2 was treated at Hayes Valley Medical & Esthetics, where Respondent was the Medical Director, approximately twelve times between December 11, 2014 and August 5, 2015 for cosmetic procedures to correct previous deformities caused by injectables received elsewhere. On each visit, Patient P-2 was treated by Registered Nurse L.B., and received

Voluma[13], Sculptra[14] and Vitrase[15] injections on several occasions in her face. Patient P-2's cosmetic condition did not improve, and ultimately, she suffered nerve injury to at least one branch of the facial nerve as the direct result of the treatments provided by L.B. Although Patient P-2 sought the care of Respondent, her treatment was managed by L.B., and Respondent never physically examined, assessed, or treated Patient P-2. When complications arose from the treatment, Patient P-2 was referred to another provider.

41. Patient P-2 asserts that no treatment plan was discussed, and that she was not properly advised of the risks and benefits of the treatment. The medical record fails to document a treatment plan or that informed consent was provided. Similarly, there is no indication in the record that the patient was informed of the serious complications that could arise. Respondent failed to provide care when complications did arise. Respondent failed to properly supervise and/or delegate and/or document L.B.'s treatment of Patient P-2.

42. Respondent and/or his staff transmitted Patient P-2's personal health information (PHI) to another provider without obtaining or documenting Patient P-2's express written consent.

43. Respondent's medical practice maintained an inadequate and inaccurate Electronic Medical Record (EMR) which, among other inadequacies, failed to document any patient authorization for transmission of PHI. The EMR was poorly understood, and poorly maintained, resulting in inadequate medical record documentation with unsigned notes that could be completed at a later date.

44. Respondent failed to maintain proper supervision and command of his nursing staff resulting in improper management of Patient P-2's complications related to treatment. Patient P-2's care was compromised by failure to address and document response to patient concerns and complications which interrupted pertinent medical information and put Patient P-2 at risk.

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[13] Voluma is a hyaluronic acid wrinkle filler.

[14] Sculptra is a synthetic wrinkle filler which include lab-made substances administered by injection.

[15] Vitrase is a hyaluronidase which is a family of enzymes that catalyse the degradation of hyaluronic acid.

Respondent failed to direct, document and facilitate Patient P-2's referral to another provider to treat her complications.

45. Patient P-2 also repeatedly asked Respondent and L.B. for a copy of her medical records via email, text, and in person for several months and the records were delayed and incomplete.

FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Gross Negligence and/or Incompetence and/or Repeated Negligent Acts and/or Aiding and Abetting the Unlicensed Practice of Medicine and/or Failure to Maintain Adequate Records)

46. Respondent Andrew Charles Patrinellis, M.D. is guilty of unprofessional conduct and subject to disciplinary action under section 2234, subdivisions (a) (violating the Medical Practice Act), (b) (gross negligence), (c) (repeated negligent acts), (d) (incompetence), (f) (conduct that would have warranted the denial of a certificate), 2052 (b) (aiding/abetting unlicensed practice of medicine) and/or 2266 (inadequate records) of the Code in that Respondent engaged in conduct in his failure to adequately supervise and/or delegate the care and treatment of Patient P-2, as described above including, but not limited to, the following:

A. Respondent failed to conduct a physical examination, or a good faith exam, of the patient and failed to expressly authorize the plan of care of Patient P-2. Respondent failed to see Patient P-2 at any time during her care despite the complexity and extent of her treatment. Respondent failed to adequately supervise and oversee the treatment provided to Patient P-2 by a nurse employed in his practice.

B. Respondent failed to obtain and/or document consent to transfer personal health information (PHI) to another medical provider. Respondent failed to ensure that an adequate and appropriate electronic medical record (EMR) was created to document consent.

C. Respondent failed to ensure that accurate and logical patient records were created and maintained. Respondent improperly shared a login with his subordinate RN and was not

sufficiently familiar with the EMR to maintain accurate records. Respondent failed to timely respond to Patient P-2's request for records.

D. Respondent failed to properly supervise a subordinate RN, who was acting outside the authorized scope of practice performing procedures and addressing complications of those procedures without proper consultation with a supervising physician, thereby aiding and abetting the unlicensed practice of medicine.

E. Respondent failed to adequately supervise his nursing staff resulting in a failure to address patient concerns in a timely manner. Respondent failed to dictate and facilitate the transfer of the patient to another provider in a timely fashion to treat her complications.

COMPLAINANT G.C.

47. The Board received a complaint from G.C. alleging Respondent sold and provided various illegal drugs, including "cocaine, ecstasy[16], Molly, marijuana and others" at parties he hosted. G.C. filed an online complaint and stated he witnessed first-hand Respondent distribute drugs.

48. G.C. subsequently informed a Board investigator, starting that in October 2016, his girlfriend M.C. went to parties at Respondent's home. G.C. stated that he accompanied his girlfriend to a party at Respondent's home and Respondent asked G.C. what type of drugs he wanted and offered him "special K and marijuana". Respondent made G.C. a drink and took out a gallon-sized ziplock bag and began talking about Burning Man mushrooms. G.C. could clearly see that Respondent's bag had what appeared to be colored pills, MDMA, ecstasy, Acid (small pieces of paper), Molly, Xanax, Oxy, Percocet and what appeared to be a big ball of cocaine. Respondent asked G.C. if he wanted any "Special K" and told him it was a "horse tranquilizer" that was "great for girls to loosen up." Respondent indicated to G.C. that he had given G.C.'s girlfriend some "Mollys".

[16] 3,4-Methylenedioxymethamphetamine (MDMA) is commonly known as ecstasy, "E" or "molly" and is a psychoactive drug primarily used as a recreational drug which alters sensations and pleasures and is a Schedule I controlled substance. [Health and Safety Code 11054(d)(6)]

FIFTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Furnishing and Offering to Furnish Dangerous Drugs and Controlled Substances Without a Prescription)

49. Respondent is guilty of unprofessional conduct and subject to disciplinary action under Section 2234, subdivisions (a), (e) and (f) for unprofessional conduct and/or Section 2242 for unprofessional conduct and/or for furnishing dangerous drugs and/or section 2238 of the Code for unprofessional conduct for violating Sections 11350(a) and/or 11377(a) and/or 11352 and/or 11379 and/or 11379.2 of the Health and Safety Code as described above in Paragraphs 47 through 48 for furnishing and offering to furnish controlled substances and dangerous drugs to G.C. and M.C.

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 68510, issued to Andrew Charles Patrinellis, M.D.;

2. Revoking, suspending or denying approval of Andrew Charles Patrinellis, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Andrew Charles Patrinellis, M.D., if placed on probation, to pay the Board the costs of probation monitoring;

4. Ordering Andrew Charles Patrinellis, M.D., if placed on probation, to disclose to his patients and/or patient's guardian and/or health care surrogate his probation status, the length of probation, the probation end date, all practice restrictions, the Board's telephone number, and an explanation of how the patient can find further information on Respondent's probation on the his profile page on the Board's online license information Internet Web Site; and

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

DATED: JAN 21 2020

CHRISTINE J. LALLY
Interim Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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