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

In the Matter of the Petition for the Reduction of Penalty Against: Lawrence Daniel Robinson, Jr., M.D., Physician's and Surgeon's Certificate No. C35069 Petitioner.	Case No. 800-2019-061622

DECISION

The attached Proposed Decision 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 December 31, 2020.

IT IS SO ORDERED: December 4, 2020.

MEDICAL BOARD OF CALIFORNIA

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

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

In the Matter of the Petition for Penalty Relief of:

LAWRENCE DANIEL ROBINSON, JR., M.D., Petitioner

Agency Case No. 800-2019-061622

OAH No. 2020040176

PROPOSED DECISION

Carla L. Garrett, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter on September 14, 2020, via video and audio conference.

Peter R. Osinoff, Attorney at Law, appeared via audio conference and represented Lawrence Daniel Robinson, Jr., M.D. (Petitioner), who also appeared via audio conference. Latrice Hemphill, Deputy Attorney General, appeared pursuant to the provisions of Government Code section 11522, via video conference.

Oral and documentary evidence was received. The record was closed and the matter was submitted for decision on September 14, 2020.

FACTUAL FINDINGS

Jurisdictional Matters and Procedural Background

1. The Medical Board of California (Board) issued Physician's and Surgeon's Certificate Number C35069 to Petitioner on June 5, 1973. The certificate is renewed and current with an expiration date of September 30, 2022.[1]

2. On January 22, 2018, the Board issued an Order, effective February 21, 2018, pursuant to a Stipulated Agreement and Order, revoking Petitioner's license, staying the revocation, and placing Petitioner on probation for 35 months, subject to specific terms and conditions, including, but not limited to the following: (1) completion of educational programs or courses aimed at correcting areas of deficient practice or knowledge; (2) completion of a prescribing practices course; (3) completion of a medical record-keeping course; (4) completion of a professionalism program (i.e., ethics course); and (5) practice monitoring.

3. The discipline stemmed from the charges and allegations set forth in the Accusation filed on May 25, 2017 by the Board's Executive Director, which Petitioner, who is a pediatrician, admitted and stipulated as true. Specifically, the Accusation alleged Petitioner engaged in repeated acts of negligence in the care and treatment of his patient in 2012, by failing to adequately address the patient's history of prematurity, which placed her at high risk for infections, such as late-onset group B

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[1] Official notice is taken of the Board's website showing Petitioner's certificate is renewed and current with an expiration date of September 30, 2022.

strep neonatal sepsis and meningitis; by delegating medication dosage for the patient's antibiotic therapy to the hospital pharmacy without any direct communication with the pharmacy; by failing to provide the pharmacy with relevant medical information about the patient and leaving the determination of the optimal dosage for the patient's treatment entirely to the discretion of the pharmacist; by failing to properly evaluate and assess the serial decline in the patient's hemoglobin and increase in platelet count which would have led to an earlier diagnosis of a serious infection the patient suffered; by failing to properly evaluate, assess, and investigate the underlying reason for the twitching movements made by the patient; by failing to personally examine the patient after receiving notice of her decreasing hemoglobin, increasing platelets, agitation, and twitching movements; and by failing to seek appropriate consultation and diagnostic studies in response to the change in patient's status (i.e., decreasing hemoglobin, increasing platelets, agitation, and twitching movements).

4. On September 24, 2019, Petitioner filed a Petition for Penalty Relief (Petition) seeking early termination of his probation.

Probation Compliance / Rehabilitation

5. Petitioner has complied with all conditions of probation, and did so within one year the Board's imposition of probation.

6. Petitioner submitted a written narrative with his Petition, and testified at hearing. He explained that he had come to understand fully his negligent conduct, and accepted full responsibility for the misconduct that led to his discipline by the Board.

7. Petitioner completed his undergraduate studies in 1964 at the University of Pittsburgh, and earned his medical degree in 1968 from Howard University. From 1968 to 1970, Petitioner completed his internship and residency in pediatrics at Johns Hopkins Hospital, and had the distinction of being the first African American resident at Johns Hopkins Hospital. He served as the Chief Resident for the Department of Pediatrics at Sinai Hospital from 1970 to 1971. Petitioner served in the United States Army from 1971 to 1973, achieving the rank of Major in the Medical Corps, and received an honorable discharge in 1977. He completed a fellowship in allergy and immunology at Martin Luther King, Jr. General Hospital, from 1973 to 1975. Petitioner became Board-certified by the American Board of Allergy and Immunology in 1975.

8. Petitioner practiced at King-Drew Medical Center from 1975 to 2005, and served as its Director of Allergy and Immunology from 1980 to 2005, as well as its Chief of Pediatrics from 2004 to 2005. Since 2005, Petitioner has served as the President and CEO of AV Pediatrics, Allergy, and Family Medicine. Petitioner has served on the clinical faculty in the Department of Pediatrics at Charles R. Drew University of Medicine since 1975, and has served as the interim chair for the Department of Pediatrics. He has also served on the clinical faculty of the David Geffen School of Medicine since 1980.

9. Respondent explained that the Professional Boundaries course provided Petitioner with information and behavioral skills that he wished he had learned during medical school or during his residency. He has learned the current concepts of professional behavior and better communication with his healthcare colleagues, as well as methods to use in his daily practice to prevent the accumulation of poor

records. He also learned how to prevent prescribing errors, as well as how to prevent boundary violations.

10. Petitioner has completed the prescribing, record keeping, and ethics course. He has also taken additional continuing medical education courses in his field of practice.

11. Dr. Fariborz David Satey, who served as Petitioner's practice monitor, testified at hearing. Dr. Satey earned his bachelor's degree from Rutgers University in 1978, his medical degree from University of Medical Sciences of Iran, and completed his internship and residency in pediatrics from Westchester County Medical Center in 1991 and 1993, respectively. He is a board-certified pediatrician, and became licensed to practice medicine in California in 1994. Since 1996, Dr. Satey has served as Director of the Department of Pediatrics at High Desert Medical Group, Heritage Healthcare, and California Desert Medical Group, and has maintained a private pediatric and adolescent practice since 2012.

12. Dr. Satey has monitored Petitioner from the second quarter of 2018 to the present. Dr. Satey met with Petitioner each quarter to review Petitioner's medical charts, and to discuss Petitioner's patients. Dr. Satey concluded Petitioner was a knowledgeable, caring, and concerned physician, who consistently demonstrated a positive attitude and the desire to improve his skills as a physician. The quality of Petitioner's charting has improved significantly during the time Dr. Satey has monitored Petitioner. Petitioner has been very willing to accept and implement Dr. Satey's suggestions concerning prescribing practices.

13. On August 9, 2019, Dr. Satey wrote a letter to the Board in support of Petitioner's Petition for early termination of his probation. Dr. Satey stated the following:

> [Petitioner] is [a] well-trained, experienced, and very competent physician who has embraced this opportunity to reflect on the events which led to the Accusation filed by the Medical Board, and to learn from the experience. His skills in documentation and prescribing have definitely improved. I have reviewed the Accusation, and based upon my many hours of working with [Petitioner] as his Probation Monitor, I do not believe that any of the conduct for which he was criticized in the Accusation will ever occur in his future practice.

(Exhibit J, p. 001.)

Character Evidence

14. Kevin Thomas, M.D., provided character testimony on Petitioner's behalf. Dr. Thomas owns three clinics in underserved communities, and employs family practitioners, internal medicine physicians, and others. Since 2008, Petitioner has worked in all three of Dr. Thomas' clinics as a pediatrician and allergist. Dr. Thomas stated the following:

> I have had the opportunity to observe [Petitioner] over the last ten years, and I have seen that he provides excellent pediatric care. He also excels in the supervision of the

> midlevel providers in my practice, and he has provided training to my staff. He has worked with me prospectively in improving our standard of care using evidence-based practices, as well as innovation in primary care with the proper use and interpretation of allergy testing for our patients.

(Exhibit F.)

15. Petitioner informed Dr. Thomas about the Board's Accusation and of his potential probationary status. In the fall 2017, Dr. Thomas reviewed the Accusation and the Decision. Dr. Thomas stated the following:

> [Petitioner] has enthusiastically attended all of his required continuing medical education courses, and he has shared the substance of his learning experience with me. He has expressed appreciation for the guidance he has had from both his probation monitor and his practice monitor. He has accepted his probationary period as a time to reflect on his errors in treating the patient who was subject of the Medical Board Accusation, and to initiate self-improvement.

(*Ibid.*)

16. Delores Bonilla provided character testimony on Petitioner's behalf. Ms. Bonilla has served as Chief Executive Officer of Wilmington Community Clinic, which is a non-profit clinic that serves a low-income, indigent population. The clinic provides general medical needs, as well as dental and mental health services. Since 2003,

Petitioner has provided allergy services for the patients at Wilmington Community Clinic, one afternoon per week.

17. Ms. Bonilla explained that Petitioner gave her a copy of the Board's decision, which was subject to review by the Wilmington Community Clinic committee. The committee determined that Petitioner could continue providing services to the clinic, because the issues which gave rise to Petitioner's discipline were not related to the kind of services Petitioner provided to Wilmington Community Clinic. Additionally, the clinic had not received any grievances regarding Petitioner from patients, administrators, or colleagues.

18. Ms. Bonilla described Petitioner as helpful, friendly, pleasant, approachable, professional, and a good team player. He has demonstrated honesty, loyalty, and dedication. In 2017, at its 40th year anniversary gala, the clinic honored Petitioner for his service and dedication to patients.

LEGAL CONCLUSIONS

1. In this proceeding for early termination of probation, Petitioner has the burden to prove that he has rehabilitated himself and is entitled to have an unrestricted license. (*Flanzer v. Board of Dental Examiners* (1990) 220 Cal.App.3d 1392, 1398.) The standard of proof is clear and convincing evidence. (*Housman v. Board of Medical Examiners* (1948) 84 Cal.App.2d 308, 316.)

2. Business and Professions Code section 2307 authorizes a person whose license has been placed on probation to petition for a reduction of penalty, including termination of probation. A petition for early termination of probation of three years

or more may be filed two years after the effective date of the decision imposing probation. (Bus. & Prof. Code, § 2307, subd. (b)(2).)

3. The Board may modify or terminate the terms and conditions imposed on the probationary certificate upon receipt of a petition from the licensee. (Bus. & Prof. Code, § 2221, subd. (b).) Consideration may be given to "all activities of the petitioner since the disciplinary action was taken, the offense for which the petitioner was disciplined, the petitioner's activities during the time the certificate was in good standing, and the petitioner's rehabilitative efforts, general reputation for truth, and professional ability." (Bus. & Prof. Code, § 2307, subd. (e).)

4. In this case, more than two and one-half years have passed since the effective date of the Decision and Order, which imposed probation for 35 months. Petitioner has fulfilled all conditions of probation. Additionally, Petitioner's conduct has been exemplary since the Board imposed discipline in 2018, and the record shows that more than eight years have elapsed since he engaged in the misconduct that gave rise to the Board's discipline. Moreover, Petitioner has demonstrated himself to be a competent, highly regarded physician. Respect within the medical community evidences that he is well along in the process of rehabilitation. (See *In re Dedman* (1976) 17 Cal.3d 229, 234.) Also, Petitioner's impact on the public, and whether he poses a danger to it, is given maximum consideration. In that regard, Petitioner has demonstrated clearly and convincingly that the public would be in no danger if his probation were terminated.

5. Given the above, cause exists under Business and Professions Code section 2307 and California Code of Regulations, title 16, section 1360.2, to grant the petition and terminate the Board's probation.

ORDER

The petition of Lawrence D. Robinson, M.D., for termination of probation is granted. Physician's and Surgeon's Certificate Number C35069 is fully restored and unrestricted.

DATE: October 14, 2020

DocuSigned by:
Carla L. Garrett
CARLA L. GARRETT
Administrative Law Judge
Office of Administrative Hearings