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

In the Matter of the Accusation Against: Joseph Robert Brownfield, M.D. Physician's and Surgeon's Certificate No. A 90488 Respondent.	Case No. 800-2020-066408

DECISION

The attached Stipulated Surrender of License and 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 October 28, 2021.

IT IS SO ORDERED October 21, 2021.

MEDICAL BOARD OF CALIFORNIA

William Prasifka
Executive Director

ROB BONTA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
THOMAS OSTLY
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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 Accusation Against: **JOSEPH ROBERT BROWNFIELD, M.D.** **5143 Bakman Ave Apt. 406** **North Hollywood CA 91601-4915** **Physician's and Surgeon's Certificate No. A 90488** Respondent.	Case No. 800-2020-066408 OAH No. 2021070917 **STIPULATED SURRENDER OF LICENSE AND ORDER**

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and the responsibility of the Medical Board of California of the Department of Consumer Affairs, the parties hereby agree to the following Stipulated Surrender and Disciplinary Order which will be submitted to the Board for approval and adoption as the final disposition of the Accusation.

PARTIES

1. William Prasifka (Complainant) is the Executive Director of the Medical Board of California (Board). He brought this action solely in his official capacity and is represented in this matter by Rob Bonta, Attorney General of the State of California, by Thomas Ostly, Deputy Attorney General.

2. JOSEPH ROBERT BROWNFIELD, M.D. (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about March 18, 2005, the Board issued Physician's and Surgeon's Certificate No. A 90488 to JOSEPH ROBERT BROWNFIELD, M.D. (Respondent). The Physician's and Surgeon's Certificate expired on November 30, 2020, and has not been renewed.

JURISDICTION

4. Accusation No. 800-2020-066408 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 December 7, 2020. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2020-066408 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 800-2020-066408. Respondent also has carefully read, 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 Accusation; the right to be represented by counsel, at his own expense; 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.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 800-2020-066408, agrees that cause exists for discipline and hereby surrenders his Physician's and Surgeon's Certificate No. A 90488 for the Board's formal acceptance.

9. 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.

CONTINGENCY

10. 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. 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.

11. 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.

12. 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 90488, issued to Respondent JOSEPH ROBERT BROWNFIELD, M.D., is surrendered and accepted by the Board.

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

2. 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.

3. 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. 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 Accusation No. 800-2020-066408 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. 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: 9/1/2021

JOSEPH ROBERT BROWNFIELD, M.D.
Respondent

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: 09/30/2021

Respectfully submitted,

ROB BONTA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General

/s/ Thomas Ostly
THOMAS OSTLY
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2020-066408

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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 Accusation Against: **Joseph Robert Brownfield, M.D.** **5143 Bakman Ave, Apt. 406** **North Hollywood, CA 91601-4915** **Physician's and Surgeon's Certificate No. A 90488,** Respondent.	Case No. 800-2020-066408 **A C C U S A T I O N**

PARTIES

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

2. On or about March 18, 2005, the Medical Board issued Physician's and Surgeon's Certificate Number A 90488 to Joseph Robert Brownfield, M.D. (Respondent). The Physician's and Surgeon's Certificate expires on November 30, 2020, and has not been renewed.

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JURISDICTION

3. This Accusation is brought before the Medical Board of California under the authority of the following sections of the California Business and Professions Code (Code) and/or other relevant statutory enactment:

A. Section 2227 of the Code provides in part that the Board may revoke, suspend for a period not to exceed one year, or place on probation, the license of any licensee who has been found guilty under the Medical Practice Act, and may recover the costs of probation monitoring.

B. Section 2305 of the Code provides, in part, that the revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California under the Medical Practice Act, constitutes grounds for discipline for unprofessional conduct.

C. Section 141 of the Code provides:

> "(a) For any licensee holding a license issued by a board under the jurisdiction of a department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or by another country shall be conclusive evidence of the events related therein.
>
> "(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by the board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."

FIRST CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by Another State)

4. On April 3, 2020 the State of Florida Department of Health (Department) executed an Order of Emergency Restriction of License for Respondent (Order) after it found that Dr. Brownfield constituted an immediate, serious danger to the public health, safety, and welfare.

5. The license of Joseph R. Brownfield, M.D., to practice as a medical doctor, license number ME 138159, was immediately restricted to prohibit him from practicing medicine until a designated evaluator notifies the Department that he is safe to resume the practice of medicine. Moreover, a proceeding seeking formal discipline of the license of Joseph R. Brownfield, M.D., to practice as a medical doctor in the State of Florida was to be promptly instituted and acted upon. A copy of the Order is attached as Exhibit A.

6. Respondent's conduct and the action of the State of Florida Department of Health, as set forth in paragraph 5, above, constitute cause for discipline pursuant to sections 2305 and/or 141 of the Code.

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:

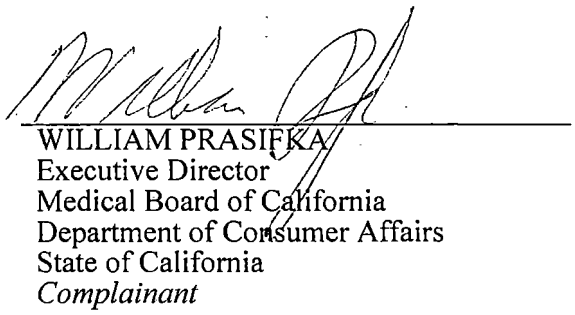
1. Revoking or suspending Physician's and Surgeon's Certificate Number A 90488, issued to Joseph Robert Brownfield, M.D.;

2. Revoking, suspending or denying approval of Joseph Robert Brownfield, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Joseph Robert Brownfield, 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: NOV 25 2020



WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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Brownfield Accusation 11-6-2020.docx

EXHIBIT A

Final Order No. DOH-20-0594-ERO-MQA
FILED DATE - APR 03 2020
Department of Health
By: Annie Marks
Deputy Agency Clerk

STATE OF FLORIDA
DEPARTMENT OF HEALTH

In Re: Emergency Restriction of the License of
Joseph R. Brownfield, M.D.
License No.: ME 138159
Case Number: 2020-06823

ORDER OF EMERGENCY RESTRICTION OF LICENSE

Scott A. Rivkees, M.D., State Surgeon General, ORDERS the emergency restriction of the license of Joseph R. Brownfield, M.D., (Dr. Brownfield) to practice as a medical doctor in the State of Florida. Dr. Brownfield holds license number ME 138159. Dr. Brownfield's address of record is 11514 Newcastle Avenue, Granada Hills, California 91344. He may also be located at 7501 North Cypresshead Drive, Parkland, Florida 33067. The following Findings of Fact and Conclusions of Law support the emergency restriction of Dr. Brownfield's license to practice as a medical doctor in the State of Florida.

FINDINGS OF FACT

1. The Department of Health (Department) is the state agency charged with regulating the practice of medicine pursuant to chapters 20, 456, and 458, Florida Statutes (2019). Section 456.073(8), Florida Statutes (2019), authorizes the State Surgeon General to summarily restrict Dr. Brownfield's license to practice medicine in the State of Florida, in accordance with section 120.60(6), Florida Statutes (2019).

2. In 2016, Dr. Brownfield began consuming alcohol "heavily" due to stress at work and in his personal life. His drinking escalated to the point that he was drinking half a bottle of scotch or "a few bottles of wine" per day.

3. From approximately July 2017 through November 2017, at the urging of his supervisor, Dr. Brownfield underwent inpatient treatment for alcohol use disorder at a facility in California. While in this treatment program, Dr. Brownfield's discharge was delayed due to several relapses. He also consumed marijuana[1] one time and visited escorts on numerous occasions while in treatment.

4. After completing treatment for alcohol abuse, Dr. Brownfield entered into a two-week treatment program for sex addiction.

5. In approximately early 2018, Dr. Brownfield entered into an impaired practitioner monitoring program in California which was facilitated by his employer, Kaiser Permanente. Dr. Brownfield's employment was terminated after approximately eight months of participation for consuming alcohol in violation of the program's terms.

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[1] Marijuana is another name for cannabis. According to section 893.03(1), Florida Statutes (2017), cannabis is a Schedule I controlled substance that has a high potential for abuse and has no currently accepted medical use in treatment in Florida. The term does not include "low-THC cannabis" or medical marijuana, as defined in section 381.986, Florida Statutes (2017), if manufactured, possessed, sold, purchased, delivered, distributed, or dispensed, in conformance with section 381.986.

6. After his termination, Dr. Brownfield continued consuming alcohol regularly.

7. On or about September 12, 2018, Dr. Brownfield submitted an application for licensure as a medical doctor in the State of Florida.

8. The licensure application asked, "In the last five years, have you been enrolled in, required to enter into, or participated in any drug or alcohol recovery program or impaired practitioner program for treatment of drug or alcohol abuse that occurred within the past five years?" Dr. Brownfield answered "no" to this question.

9. The licensure application asked, "In the last five years, were you admitted or directed into a program for a diagnosed substance-related (alcohol/drug) disorder or, if you were previously in such a program, did you suffer a relapse within the last five years?" Dr. Brownfield answered "no" to this question.

10. On or about October 17, 2018, Dr. Brownfield was issued license number ME 138159 to practice as a medical doctor in the State of Florida, pursuant to chapter 458.

11. In May 2019, the Department received a complaint from another physician alleging that Dr. Brownfield was unable to practice medicine with

reasonable skill and safety to patients due to his alcohol abuse. The Department referred this case to the Professionals Resource Network (PRN[2]).

12. On or about September 23, 2019, upon PRN's recommendation, Dr. Brownfield underwent a multi-day inpatient evaluation with experts in psychology and addiction medicine at the Sante Center for Healing (Sante), a rehabilitation facility in Argyle, Texas.

13. Dr. Brownfield related his history of alcohol abuse and treatment to the practitioners at Sante. He also admitted that he falsified his Florida medical license application because he did not want to undergo further treatment.

14. Sante practitioners noted that Dr. Brownfield did not appear to be "completely forthcoming" in his communications with them.

15. Practitioners at Sante diagnosed Dr. Brownfield with persistent depressive disorder with anxious features and alcohol use disorder. The practitioners opined that Dr. Brownfield is only able to practice medicine safely if abstaining from alcohol consumption.

16. Sante practitioners recommended that Dr. Brownfield engage in intensive outpatient treatment for alcohol abuse and individual therapy. The

[2] The Professionals Resource Network is the impaired practitioner program for the Board of Medicine, pursuant to Section 456.073, Florida Statutes (2018). PRN monitors the evaluation, care, and treatment of impaired practitioners licensed by the Department. PRN oversees random drug screens and provides for the exchange of information between treatment providers, evaluators, and the Department for the protection of the public.

practitioners further recommended that if he could not maintain sobriety in an intensive outpatient setting, he should return to a residential treatment program and discontinue practicing medicine.

17. On or about November 14, 2019, upon PRN's recommendation, Dr. Brownfield entered into an intensive outpatient treatment program.

18. On or about November 18, 2019, Dr. Brownfield entered into a 5-year PRN monitoring contract. The contract required, in part, that Dr. Brownfield refrain from consuming alcohol and drugs, submit to random toxicology tests, participate in extended intensive outpatient therapy, and comply with all of PRN's treatment recommendations.

19. On or about November 21, 2019, Dr. Brownfield submitted to a PEth[3] test, which was positive at a level of 147.7 ng/mL. PRN's Medical Review Officer noted that this result indicated heavy consumption of alcohol in the prior weeks.

20. Dr. Brownfield admitted to consuming alcohol on November 5, 2019. PRN refrained Dr. Brownfield from practicing as a result of his noncompliance with treatment.

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[3] The PEth blood test measures levels of phosphatidylethanol (PEth), an alcohol-specific biomarker, in the blood. PEth is used to detect prolonged or heavy "binge" alcohol consumption. It is typically detectable for two-to-three weeks but may be detectable for longer depending on how much alcohol was consumed, and for how long. While PEth levels depend on multiple factors, such as body mass index (BMI) and amount of alcohol consumed, a PEth level greater than 20 ng/mL generally indicates either regular consumption of alcohol above recommended limits, or binge drinking. A PEth level greater than 100 ng/mL most likely indicates repeated binge drinking.

21. On or about December 3, 2019, Dr. Brownfield submitted to a PEth test, which was positive at a level of 87.7 ng/mL.

22. On or about January 9, 2019, Dr. Brownfield submitted to a toxicology test through his intensive outpatient treatment program. The test was positive for EtG and EtS.[4] Dr. Brownfield discontinued attending his intensive outpatient treatment program shortly after the positive toxicology test, and the program discharged him.

23. Dr. Brownfield's treating provider opined that he was not able to practice as a physician with reasonable skill and safety to patients due to his alcohol use disorder, his continued drinking despite participating in treatment, and his noncompliance with treatment recommendations.

24. On January 14 and 17, 2020, Dr. Brownfield failed to submit to PRN-ordered toxicology tests.

25. PRN requested that Dr. Brownfield execute a voluntary withdrawal from practice. Dr. Brownfield refused to do so. PRN also requested that Dr. Brownfield undergo a recovery status evaluation. Dr. Brownfield did not undergo the recommended evaluation.

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[4] The EtG/EtS urine test measures levels of ethyl glucuronide (EtG) and ethyl sulfate (EtS), alcohol-specific biomarkers, in the urine. EtG/EtS can be used to detect a range of alcohol consumption, between small acute doses, to chronic alcohol consumption. EtG/EtS can generally be detected from as soon as 2 hours and up to several days after alcohol consumption.

26. On or about February 14, 2020, PRN terminated Dr. Brownfield's monitoring contract due to his failure to comply with the contract's terms.

27. As of the date of this order, Dr. Brownfield is not under PRN monitoring, nor is he engaged in any treatment program.

28. In the course of their practice, physicians must possess good judgment and be able to provide appropriate care and treatment to patients. Dr. Brownfield's history of alcohol abuse, his multiple relapses on alcohol while in treatment, his falsification of his Florida medical license application to avoid further treatment, his termination from PRN, his persistence in his behavior despite the professional consequences, and the opinions and recommendations of doctors at Sante Center for Healing indicate that Dr. Brownfield is not capable of caring for patients in a safe manner. Therefore, Dr. Brownfield's continued unrestricted practice as a physician presents an immediate, serious danger to the health, welfare, and safety of the public.

29. Independent medical experts have determined that Dr. Brownfield is unable to practice medicine with reasonable skill and safety to patients. Because Dr. Brownfield has discontinued PRN monitoring and his treatment program, there is a significant likelihood that Dr. Brownfield's inability to practice medicine with reasonable skill and safety to patients will continue. This constitutes an

immediate, serious danger to the public health, safety, and welfare. As a result, there are no less restrictive means, other than the terms of this Order, that will adequately protect the public from Dr. Brownfield's continued unrestricted practice of medicine.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the State Surgeon General concludes as follows:

1. The State Surgeon General has jurisdiction over this matter pursuant to sections 20.43 and 456.073(8) and chapter 458, as set forth above.

2. Section 458.331(1)(s), Florida Statutes (2019), authorizes discipline, including restriction, for being unable to practice medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.

3. Dr. Brownfield violated section 458.331(1)(s) by being unable to practice medicine with reasonable skill and safety to patients due to his alcohol use disorder.

4. Section 456.072(1)(hh), Florida Statutes (2019), provides that being terminated from an impaired practitioner program for failure to comply, with good

cause, with the terms of the monitoring contract constitutes grounds for discipline against a licensee.

5. Dr. Brownfield violated section 456.072(1)(hh) by being terminated from PRN for failing to comply with PRN's monitoring and treatment recommendations without good cause.

6. Section 458.331(1)(a), Florida Statutes (2018), provides that obtaining a license to practice medicine by fraudulent misrepresentation constitutes grounds for discipline against a physician.

7. Respondent violated section 458.331(1)(a) by deliberately making one or more false representations concerning his history of substance abuse treatment on his Florida medical license application.

8. Section 120.60(6) authorizes the State Surgeon General to summarily restrict a medical doctor's license upon a finding that the medical doctor presents an immediate, serious danger to the public health, safety, or welfare.

9. Dr. Brownfield's continued unrestricted practice as a medical doctor constitutes an immediate, serious danger to the health, safety, or welfare of the citizens of the State of Florida, and this summary procedure is fair under the circumstances to adequately protect the public.

WHEREFORE, in accordance with section 120.60(6), Florida Statutes (2019), it is **ORDERED THAT:**

1. The license of Joseph R. Brownfield, M.D., to practice as a medical doctor, license number ME 138159, is immediately restricted to prohibit him from practicing medicine until PRN or a PRN-approved evaluator notifies the Department that he is safe to resume the practice of medicine.

2. A proceeding seeking formal discipline of the license of Joseph R. Brownfield, M.D., to practice as a medical doctor in the State of Florida will be promptly instituted and acted upon in compliance with sections 120.569 and 120.60(6).

In Re: Emergency Restriction of the License of
Joseph R. Brownfield, M.D.
License No.: ME 138159
Case Number: 2020-06823

DONE and ORDERED this 2nd day of Dec., 2020.

Scott A. Rivkees, M.D.
State Surgeon General

PREPARED BY:
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