

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

In the Matter of the Accusation)
Against:)
)
)
MARK DOUGLAS KLINE, M.D.)
)
Physician's and Surgeon's)
Certificate No. G-86945)
)
Respondent)
_____)

Case No. 03-2012-229101

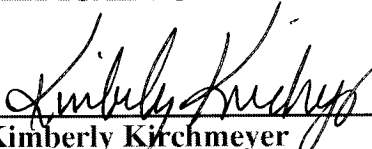
DECISION

The attached Stipulated Surrender of License 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 1, 2013

IT IS SO ORDERED September 24, 2013

MEDICAL BOARD OF CALIFORNIA

By: 
Kimberly Kirchmeyer
Interim Executive Director

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 JANE ZACK SIMON
Deputy Attorney General [SBN 116564]
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7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 03-2012-229101

12 **MARK DOUGLAS KLINE, M.D.**
13 P.O. Box 114
Caspar, CA 95420

**STIPULATED SURRENDER OF
LICENSE**

14 Physician's and Surgeon's
15 Certificate No. G86945

16 Respondent.

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 1. Kimberly Kirchmeyer (Complainant) is the Interim Executive Director of the Medical
20 Board of California. This action has at all times been maintained solely in the official capacity of
21 the Executive Director of the Medical Board of California (Board), who is represented in this
22 matter by Kamala D. Harris, Attorney General of the State of California, by Jane Zack Simon,
23 Deputy Attorney General.

24 2. Mark Douglas Kline, M.D. (Respondent) is represented by Ivan Weinberg, Weinberg
25 Hoffman, LLP, 700 Larkspur Landing Circle, Suite 252, Larkspur, CA 94939.
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1 3. Respondent has received, read, discussed with counsel, and understands the
2 Accusation which is presently on file and pending in case number 03-2012-229101 (Accusation)
3 a copy of which is attached as Exhibit A.

4 4. Respondent has carefully read, discussed with counsel and understands the charges
5 and allegations in the Accusation. Respondent also has carefully read, discussed with counsel,
6 and understands the effects of this Stipulated Surrender of License (Stipulation.)

7 5. Respondent is fully aware of his legal rights in this matter, including the right to a
8 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
9 his own expense; the right to confront and cross-examine the witnesses against him; the right to
10 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
11 the attendance of witnesses and the production of documents; the right to reconsideration and
12 court review of an adverse decision; and all other rights accorded by the California
13 Administrative Procedure Act and other applicable laws.

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

16 7. Respondent does not contest that, at an administrative hearing, Complainant could
17 establish a prima facie case with respect to the charges and allegations contained in the
18 Accusation and that he has thereby subjected his license to disciplinary action. Respondent
19 wishes to surrender his physician's and surgeon's certificate at this time.

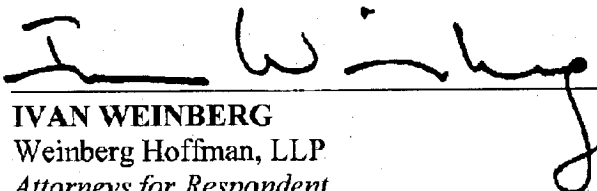
20 8. Pursuant to section 2224(b) of the Business and Professions Code, this Stipulation for
21 Surrender of License shall be subject to the approval of the Board. Respondent understands and
22 agrees that the Medical Board's staff and counsel for Complainant may communicate directly
23 with the Board regarding this Stipulation, without notice to or participation by Respondent or his
24 counsel. By signing this Stipulation, Respondent understands and agrees that he may not
25 withdraw his agreement or seek to rescind the Stipulation prior to the time the Board considers
26 and acts upon it. In the event that this Stipulation is rejected for any reason by the Board, it will
27 be of no force or effect for either party. The Board will not be disqualified from further action in
28 this matter by virtue of its consideration of this Stipulation.

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surgeon in the State of California and I also will cause to be delivered to the Board any license and wallet certificate in my possession before the effective date of the decision.

DATED: 9/4/13 
MARK DOUGLAS KLINE, M.D.
Respondent

I have read and fully discussed with Respondent Mark Douglas Kline, M.D. the terms and conditions and other matters contained in the above Stipulated Surrender of License. I approve its form and content.

DATED: 9/4/13 
IVAN WEINBERG
Weinberg Hoffman, LLP
Attorneys for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License is hereby respectfully submitted for consideration by the Medical Board of California.

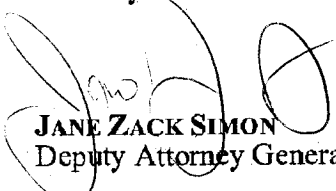
Dated: 9/5/13 **KAMALA D. HARRIS**
Attorney General of California

JANE ZACK SIMON
Deputy Attorney General
Attorneys for Complainant

EXHIBIT A

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 JANE ZACK SIMON
Deputy Attorney General
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7 *Attorneys for Complainant*
Medical Board of California

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

11
12 In the Matter of the Accusation Against:

Case No. 03-2012-229101

13 **MARK DOUGLAS KLINE, M.D.**

14 P.O. Box 114
Caspar, CA 95420

ACCUSATION

15 PHYSICIAN'S AND SURGEON'S CERTIFICATE NO.
16 G86945

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

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

23 2. On July 1, 2003, the Medical Board of California issued Physician's and Surgeon's
24 Certificate Number G86945 to Mark Douglas Kline, M.D. (Respondent). Said certificate is
25 renewed and current, with an expiration date of February 28, 2015.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Medical Board of California (Board),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.

5 A. Section 2227 of the Code provides that a licensee who is found guilty under the
6 Medical Practice Act may have his or her license revoked or suspended for a period not to
7 exceed one year; or the licensee may be placed on probation and may be required to pay the
8 costs of probation monitoring or may have such other action taken in relation to discipline
9 as the Division deems proper.

10 B. Section 2234 of the Code provides that the Medical Board shall take action against
11 any licensee who is charged with unprofessional conduct. Unprofessional conduct
12 includes, but is not limited to:

13 (a) Violating or attempting to violate, directly or indirectly, assisting in or
14 abetting the violation of, or conspiring to violate, any provision of this chapter
15 [Chapter 5, the Medical Practice Act]

16 (b) Gross negligence

17 C. Section 726 of the Code provides that the commission of any act of sexual abuse,
18 misconduct or relations with a patient, client or customer constitutes unprofessional
19 conduct and grounds for disciplinary action.

20 **ETHICAL PRINCIPLES**

21 4. The medical profession has long subscribed to a body of ethical statements, set
22 forth and adopted by the American Medical Association and known as *The Principles of Medical*
23 *Ethics*. The *Principles of Medical Ethics* represent standards of conduct which define the
24 essentials of honorable behavior for a physician. The American Psychiatric Association has
25 developed and adopted *Principles of Medical Ethics with Annotations Especially Applicable to*
26 *Psychiatry (2009 Edition)* which state:

27 "All physicians should practice in accordance with the medical code of ethics
28 set forth in the *Principles of Medical Ethics* of the American Medical Association. An

1 up-to-date expression and elaboration of these statements is found in the Opinions
2 and Reports of the Council on Ethical and Judicial Affairs of the American Medical
3 Association. Psychiatrists are strongly advised to be familiar with these documents.
4 ... While psychiatrists have the same goals as all physicians, there are special ethical
5 problems in psychiatric practice that differ in coloring and degree from ethical
6 problems in other branches of medical practice, even though the basic principles are
7 the same." (Foreword)

8 The following specific parts of the adopted *Principles of Medical Ethics with Annotations*
9 *Especially Applicable to Psychiatry (2009 Edition)* are applicable:

10 A. Section 2 states:

11 "A physician shall uphold the standards of professionalism, be honest in all
12 professional interactions, and strive to report physicians deficient in character or
13 competency, or engaging in fraud or deception, to appropriate entities."

14 The Principles of Medical Ethics with Annotations Especially Applicable to
15 Psychiatry stated the following in 1993 and in all subsequent updates:

16 "The requirement that the physician conduct himself/herself with propriety in
17 his or her profession and in all the actions of his or her life is especially important in
18 the case of the psychiatrist because the patient tends to model his or her behavior after
19 that of his or her psychiatrist by identification. Further, the necessary intensity of the
20 treatment relationship may tend to activate sexual and other needs and fantasies on
21 the part of both patient and psychiatrist, while weakening the objectivity necessary
22 for control. Additionally, the inherent inequality in the doctor-patient relationship
23 may lead to exploitation of the patient. Sexual activity with a current or former
24 patient is unethical."

25 CAUSE FOR DISCIPLINE

26 (Sexual Misconduct/Unprofessional Conduct/Gross Negligence/Sexual
27 Misconduct/Violation of Ethical Principles)

28 5. Respondent is a board certified psychiatrist, and at the time of the events alleged in
this Accusation, was working as a psychiatrist and Clinical Director for Behavioral Health at the
Mendocino Coast Clinic in Fort Bragg, California.

6. From 2007 until 2012, Respondent provided psychiatric treatment to Patient A.
Patient A. was a married woman who carried diagnoses of bipolar disorder and borderline
personality disorder, and who had a long history of depression, suicidal ideation, multiple suicide
attempts and numerous hospitalizations.

7. In March 2012, Respondent entered into a sexual relationship with Patient A.
During the course of the relationship, Respondent did not see Patient A. in his office for
psychiatric treatment, but he continued to prescribe her medication and to order laboratory studies

1 for her. The sexual relationship continued until Respondent's wife discovered it on November 26,
2 2012. At that time, Respondent notified Patient A in an e-mail that he was terminating the
3 relationship; he did not arrange for her to be seen by another psychiatrist or to receive any
4 supportive treatment. Patient A. was hospitalized for another suicide attempt.

5 8. Respondent's conduct in entering into a sexual relationship with his patient, and
6 failing to appropriately ensure appropriate medical care for her when he terminated that
7 relationship, constitutes unprofessional conduct, and/or sexual misconduct, and/or gross
8 negligence, and/or a violation of ethical standards, and is cause for discipline pursuant to
9 Business and Professions Code sections 2234, and/or 726, and/or 2234(b).

10 PRAYER


11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board issue a decision:

13 1. Revoking or suspending Physician's and Surgeon's Certificate Number G86945
14 issued to Mark Douglas Kline, M.D. and ordering Respondent to pay probation costs in the event
15 that he is placed on probation;

16 2. Revoking, suspending, or denying approval of Respondent's authority to supervise
17 physician assistants; and

18 3. Taking such other and further action as deemed necessary and proper.

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20 Dated: 9/3/13

21 
22 KIMBERLY KIRCHMEYER
23 Interim Executive Director
24 Medical Board of California
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