

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

In the Matter of the Accusation Against:)
)
)
DANIEL ANDERSON, M.D.) Case No. 06-2012-225911
)
Physician's and Surgeon's)
Certificate No. G 64471)
)
Respondent.)
_____)

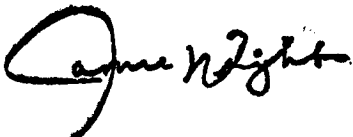
DECISION AND ORDER

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

This Decision shall become effective at 5:00 p.m. on September 4, 2015.

IT IS SO ORDERED August 6, 2015.

MEDICAL BOARD OF CALIFORNIA


By: _____
Jamie Wright, J.D., Chair
Panel A

1 KAMALA D. HARRIS
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 CINDY M. LOPEZ
Deputy Attorney General
4 State Bar No. 119988
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
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Attorneys for Complainant

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:
11
12 DANIEL ANDERSON, M.D.
1907 Carnegie Lane, Apt. #4
Redondo Beach, CA 90278
13 Physician's and Surgeon's Certificate No. G
64471

Case No. 06-2012-225911

OAH No. 2014080112

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Respondent.
15

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Kimberly Kirchmeyer ("Complainant") is the Executive Director of the Medical
21 Board of California. She brought this action solely in her official capacity and is represented in
22 this matter by Kamala D. Harris, Attorney General of the State of California, by Cindy M. Lopez,
23 Deputy Attorney General.

24 2. Respondent Daniel Anderson, M.D. ("Respondent") is represented in this proceeding
25 by attorney Thomas F. McAndrews, whose address is: 1230 Rosecrans Ave., Suite 450
26 Manhattan Beach, CA 90266.

27 3. On October 31, 1988, the Medical Board of California issued Physician's and
28 Surgeon's Certificate No. G 64471 to Daniel Anderson, M.D. (Respondent). The Physician's and

1 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in
2 Accusation No. 06-2012-225911 and will expire on May 31, 2014, unless renewed.

3 JURISDICTION

4 4. Accusation No. 06-2012-225911 was filed before the Medical Board of California
5 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The
6 Accusation and all other statutorily required documents were properly served on Respondent on
7 April 22, 2014. Respondent timely filed his Notice of Defense contesting the Accusation.

8 5. A copy of Accusation No. 06-2012-225911 is attached as exhibit A and
9 incorporate herein by reference.

10 ADVISEMENT AND WAIVERS

11 6. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 06-2012-225911. Respondent has also carefully read,
13 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
14 Disciplinary Order.

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

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

24 CULPABILITY

25 9. Respondent understands and agrees that the charges and allegations in Accusation
26 No. 06-2012-225911, if proven at a hearing, constitute cause for imposing discipline upon his
27 Physician's and Surgeon's Certificate.

1 10. For the purpose of resolving the Accusation without the expense and uncertainty of
2 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
3 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest
4 those charges.

5 11. Respondent agrees that his Physician's and Surgeon's Certificate is subject to
6 discipline and he agrees to be bound by the Board's probationary terms as set forth in the
7 Disciplinary Order below.

8 CONTINGENCY

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

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

22 14. In consideration of the foregoing admissions and stipulations, the parties agree that
23 the Board may, without further notice or formal proceeding, issue and enter the following
24 Disciplinary Order:

25 DISCIPLINARY ORDER

26 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 64471 issued
27 to Respondent is revoked. However, the revocation is stayed and Respondent is placed on
28 probation for seven (7) years on the following terms and conditions.

1 1. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
2 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
3 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.
4 Respondent shall participate in and successfully complete that program. Respondent shall
5 provide any information and documents that the program may deem pertinent. Respondent shall
6 successfully complete the classroom component of the program not later than six (6) months after
7 Respondent's initial enrollment, and the longitudinal component of the program not later than the
8 time specified by the program, but no later than one (1) year after attending the classroom
9 component. The professionalism program shall be at Respondent's expense and shall be in
10 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

11 A professionalism program taken after the acts that gave rise to the charges in the
12 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
13 or its designee, be accepted towards the fulfillment of this condition if the program would have
14 been approved by the Board or its designee had the program been taken after the effective date of
15 this Decision.

16 Respondent shall submit a certification of successful completion to the Board or its
17 designee not later than 15 calendar days after successfully completing the program or not later
18 than 15 calendar days after the effective date of the Decision, whichever is later.

19 2. PROFESSIONAL BOUNDARIES PROGRAM. Within 60 calendar days from the
20 effective date of this Decision, Respondent shall enroll in a professional boundaries program
21 equivalent to the Professional Boundaries Program offered by the Physician Assessment and
22 Clinical Education Program at the University of California, San Diego School of Medicine
23 ("Program"). Respondent, at the Program's discretion, shall undergo and complete the Program's
24 assessment of Respondent's competency, mental health and/or neuropsychological performance,
25 and at minimum, a 24 hour program of interactive education and training in the area of
26 boundaries, which takes into account data obtained from the assessment and from the Decision(s),
27 Accusation(s) and any other information that the Board or its designee deems relevant. The
28 Program shall evaluate Respondent at the end of the training and the Program shall provide any

1 data from the assessment and training as well as the results of the evaluation to the Board or its
2 designee.

3 Failure to complete the entire Program not later than six (6) months after Respondent's
4 initial enrollment shall constitute a violation of probation unless the Board or its designee agrees
5 in writing to a later time for completion. Based on Respondent's performance in and evaluations
6 from the assessment, education, and training, the Program shall advise the Board or its designee
7 of its recommendation(s) for additional education, training, psychotherapy and other measures
8 necessary to ensure that Respondent can practice medicine safely. Respondent shall comply with
9 Program recommendations. At the completion of the Program, Respondent shall submit to a final
10 evaluation. The Program shall provide the results of the evaluation to the Board or its designee.
11 The professional boundaries program shall be at Respondent's expense and shall be in addition to
12 the Continuing Medical Education (CME) requirements for renewal of licensure.

13 The Program has the authority to determine whether or not Respondent successfully
14 completed the Program.

15 A professional boundaries course taken after the acts that gave rise to the charges in the
16 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
17 or its designee, be accepted towards the fulfillment of this condition if the course would have
18 been approved by the Board or its designee had the course been taken after the effective date of
19 this Decision.

20 3. PSYCHIATRIC EVALUATION. Within 30 calendar days of the effective date of
21 this Decision, and on whatever periodic basis thereafter may be required by the Board or its
22 designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological
23 testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall
24 consider any information provided by the Board or designee and any other information the
25 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its
26 designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not
27 be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all
28 psychiatric evaluations and psychological testing.

1 Respondent shall comply with all restrictions or conditions recommended by the evaluating
2 psychiatrist within 15 calendar days after being notified by the Board or its designee.

3 4. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this Decision,
4 Respondent shall submit to the Board or its designee for prior approval the name and
5 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who
6 has a doctoral degree in psychology and at least five years of postgraduate experience in the
7 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall
8 undergo and continue psychotherapy treatment, including any modifications to the frequency of
9 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

10 The psychotherapist shall consider any information provided by the Board or its designee
11 and any other information the psychotherapist deems relevant and shall furnish a written
12 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
13 psychotherapist any information and documents that the psychotherapist may deem pertinent.

14 Respondent shall have the treating psychotherapist submit quarterly status reports to the
15 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric
16 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of
17 probation, Respondent is found to be mentally unfit to resume the practice of medicine without
18 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the
19 period of probation shall be extended until the Board determines that Respondent is mentally fit
20 to resume the practice of medicine without restrictions.

21 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

22 5. MONITORING - PRACTICE. Within 30 calendar days of the effective date of this
23 Decision, Respondent shall submit to the Board or its designee for prior approval as a practice
24 monitor, the name and qualifications of one or more licensed physicians and surgeons whose
25 licenses are valid and in good standing, and who are preferably American Board of Medical
26 Specialties (ABMS) certified. A monitor shall have no prior or current business or personal
27 relationship with Respondent, or other relationship that could reasonably be expected to
28 compromise the ability of the monitor to render fair and unbiased reports to the Board, including

1 but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree
2 to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

3 The Board or its designee shall provide the approved monitor with copies of the Decision
4 and Accusation, and a proposed monitoring plan. Within 15 calendar days of receipt of the
5 Decision, Accusation, and proposed monitoring plan, the monitor shall submit a signed statement
6 that the monitor has read the Decision and Accusation, fully understands the role of a monitor,
7 and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees with the
8 proposed monitoring plan, the monitor shall submit a revised monitoring plan with the signed
9 statement for approval by the Board or its designee.

10 Within 60 calendar days of the effective date of this Decision, and continuing throughout
11 probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall
12 make all records available for immediate inspection and copying on the premises by the monitor
13 at all times during business hours and shall retain the records for the entire term of probation.

14 If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective
15 date of this Decision, Respondent shall receive a notification from the Board or its designee to
16 cease the practice of medicine within three (3) calendar days after being so notified. Respondent
17 shall cease the practice of medicine until a monitor is approved to provide monitoring
18 responsibility.

19 The monitor(s) shall submit a quarterly written report to the Board or its designee which
20 includes an evaluation of Respondent's performance, indicating whether Respondent's practices
21 are within the standards of practice of medicine, and whether Respondent is practicing medicine
22 safely. It shall be the sole responsibility of Respondent to ensure that the monitor submits the
23 quarterly written reports to the Board or its designee within 10 calendar days after the end of the
24 preceding quarter.

25 If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of
26 such resignation or unavailability, submit to the Board or its designee, for prior approval, the
27 name and qualifications of a replacement monitor who will be assuming that responsibility within
28 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60

1 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a
2 notification from the Board or its designee to cease the practice of medicine within three (3)
3 calendar days after being so notified Respondent shall cease the practice of medicine until a
4 replacement monitor is approved and assumes monitoring responsibility.

5 In lieu of a monitor, Respondent may participate in a professional enhancement program
6 equivalent to the one offered by the Physician Assessment and Clinical Education Program at the
7 University of California, San Diego School of Medicine, that includes, at minimum, quarterly
8 chart review, semi-annual practice assessment, and semi-annual review of professional growth
9 and education. Respondent shall participate in the professional enhancement program at
10 Respondent's expense during the term of probation.

11 6. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
12 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
13 Chief Executive Officer at every hospital where privileges or membership are extended to
14 Respondent, at any other facility where Respondent engages in the practice of medicine,
15 including all physician and locum tenens registries or other similar agencies, and to the Chief
16 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
17 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
18 calendar days.

19 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

20 7. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is
21 prohibited from supervising physician assistants.

22 8. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
23 governing the practice of medicine in California and remain in full compliance with any court
24 ordered criminal probation, payments, and other orders.

25 9. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
26 under penalty of perjury on forms provided by the Board, stating whether there has been
27 compliance with all the conditions of probation.

28 Respondent shall submit quarterly declarations not later than 10 calendar days after the end

1 of the preceding quarter.

2 10. GENERAL PROBATION REQUIREMENTS.

3 Compliance with Probation Unit

4 Respondent shall comply with the Board's probation unit and all terms and conditions of
5 this Decision.

6 Address Changes

7 Respondent shall, at all times, keep the Board informed of Respondent's business and
8 residence addresses, email address (if available), and telephone number. Changes of such
9 addresses shall be immediately communicated in writing to the Board or its designee. Under no
10 circumstances shall a post office box serve as an address of record, except as allowed by Business
11 and Professions Code section 2021(b).

12 Place of Practice

13 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
14 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
15 facility.

16 License Renewal

17 Respondent shall maintain a current and renewed California physician's and surgeon's
18 license.

19 Travel or Residence Outside California

20 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
21 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
22 (30) calendar days.

23 In the event Respondent should leave the State of California to reside or to practice
24 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
25 departure and return.

26 11. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
27 available in person upon request for interviews either at Respondent's place of business or at the
28 probation unit office, with or without prior notice throughout the term of probation.

1 12. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
2 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
3 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
4 defined as any period of time Respondent is not practicing medicine in California as defined in
5 Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month
6 in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All
7 time spent in an intensive training program which has been approved by the Board or its designee
8 shall not be considered non-practice. Practicing medicine in another state of the United States or
9 Federal jurisdiction while on probation with the medical licensing authority of that state or
10 jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall
11 not be considered as a period of non-practice.

12 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
13 months, Respondent shall successfully complete a clinical training program that meets the criteria
14 of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and
15 Disciplinary Guidelines" prior to resuming the practice of medicine.

16 Respondent's period of non-practice while on probation shall not exceed two (2) years.

17 Periods of non-practice will not apply to the reduction of the probationary term.

18 Periods of non-practice will relieve Respondent of the responsibility to comply with the
19 probationary terms and conditions with the exception of this condition and the following terms
20 and conditions of probation: Obey All Laws; and General Probation Requirements.

21 13. COMPLETION OF PROBATION. Respondent shall comply with all financial
22 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
23 completion of probation. Upon successful completion of probation, Respondent's certificate shall
24 be fully restored.

25 14. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
26 of probation is a violation of probation. If Respondent violates probation in any respect, the
27 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
28 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,

1 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
2 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
3 the matter is final.


4 15. LICENSE SURRENDER. Following the effective date of this Decision, if
5 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
6 the terms and conditions of probation, Respondent may request to surrender his or her license.
7 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
8 determining whether or not to grant the request, or to take any other action deemed appropriate
9 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
10 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
11 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
12 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
13 application shall be treated as a petition for reinstatement of a revoked certificate.

14 16. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
15 with probation monitoring each and every year of probation, as designated by the Board, which
16 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
17 California and delivered to the Board or its designee no later than January 31 of each calendar
18 year.

19
20 ACCEPTANCE

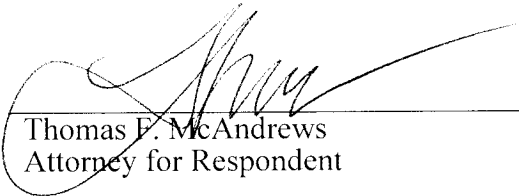
21 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
22 discussed it with my attorney, Thomas F. McAndrews. I understand the stipulation and the effect
23 it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement
24 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
25 Decision and Order of the Medical Board of California.

26
27 DATED: 05/06/2015


28 DANIEL ANDERSON, M.D.
Respondent

1 I have read and fully discussed with Respondent Daniel Anderson, M.D. the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
3 I approve its form and content.

4 DATED: 5/4/15

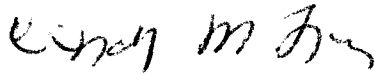

Thomas F. McAndrews
Attorney for Respondent

7 ENDORSEMENT

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

10 Dated: 6.30.15

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
ROBERT MCKIM BELL
Supervising Deputy Attorney General



CINDY M. LOPEZ
Deputy Attorney General
Attorneys for Complainant

18 LA2014611523
19 Stipulation.rtf

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28

Exhibit A

Accusation No. 06-2012-225911

1 KAMALA D. HARRIS
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 CINDY M. LOPEZ
Deputy Attorney General
4 State Bar No. 119988
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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO April 22, 2014
BY: Malcolm ANALYST

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10
11 In the Matter of the Accusation Against:

Case No. 06-2012-225911

12 DANIEL ANDERSON, M.D.

13 3853 Rosecrans Street
14 San Diego, California 92110

A C C U S A T I O N

15 Physician's and Surgeon's Certificate G 64471.

16 Respondent.

17
18
19 Complainant alleges:

20 PARTIES

- 21 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
22 capacity as the Executive Director of the Medical Board of California (Board).
23 2. On October 31, 1988, the Board issued Physician's and Surgeon's Certificate number
24 G 64471 to Daniel Anderson, M.D. (Respondent). That license was in full force and effect at all
25 times relevant to the charges brought herein and will expire on May 31, 2016, unless renewed.

26 //

27 //

28 //

JURISDICTION

1
2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise
4 indicated.

5 4. 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, suspended for a period not to exceed
7 one year, placed on probation and required to pay the costs of probation monitoring, or such other
8 action taken in relation to discipline as the Division deems proper.

9 5. Section 2234 of the Code, states:

10 "The board shall take action against any licensee who is charged with unprofessional
11 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
12 limited to, the following:

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

15 "(b) Gross negligence.

16 "(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or
17 omissions. An initial negligent act or omission followed by a separate and distinct departure from
18 the applicable standard of care shall constitute repeated negligent acts.

19 "(1) An initial negligent diagnosis followed by an act or omission medically appropriate
20 for that negligent diagnosis of the patient shall constitute a single negligent act.

21 "(2) When the standard of care requires a change in the diagnosis, act, or omission that
22 constitutes the negligent act described in paragraph (1), including, but not limited to, a
23 reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the
24 applicable standard of care, each departure constitutes a separate and distinct breach of the
25 standard of care.

26 "(d) Incompetence.

27 "(e) The commission of any act involving dishonesty or corruption which is substantially
28 related to the qualifications, functions, or duties of a physician and surgeon.

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

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

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

10 6. Section 726 of the Code states:

11 "The commission of any act of sexual abuse, misconduct, or relations with a patient, client,
12 or customer constitutes unprofessional conduct and grounds for disciplinary action for any
13 person licensed under this division, under any initiative act referred to in this division and under
14 Chapter 17 (commencing with Section 9000) of Division 3.

15 "This section shall not apply to sexual contact between a physician and surgeon and his or
16 her spouse or person in an equivalent domestic relationship when that physician and surgeon
17 provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person
18 in an equivalent domestic relationship."

19

20 FIRST CAUSE FOR DISCIPLINE

21 (Sexual Misconduct)

22 7. Respondent is subject to disciplinary action under Code section 726 in that he had an
23 inappropriate sexual relationship with his patient, V.C. The circumstances are as follows:

24 A. Patient V.C., a female, saw Respondent, a psychiatrist, from January 2010 through
25 September 2011. A sexual relationship started in January 2011.

26 B. V.C. initially presented with complaints of recurring anxiety and stressors related to
27 her son struggling in school. Prior to treating with Respondent, V.C. was taking Xanax.
28 Respondent continued her on Xanax, an anti-anxiety medication.

1 C. At the next few visits, Respondent prescribed BuSpar, (an anti-anxiety medication)
2 and diagnosed her with general anxiety, social phobia, and obsessive-compulsive disorder. A few
3 months later he prescribed Celexa, an antidepressant medication.

4 D. Respondent saw her about once a month through September 2011. In March 2011,
5 Respondent began prescribing Adderall and continued with this every month. (Adderall is a
6 prescription medication that is used to treat ADHD (attention deficit hyperactivity disorder) in
7 children and adults. The drug is a central nervous system stimulant that is believed to improve
8 attentiveness, organization, and performance in people who have chronic trouble staying
9 focused.) In April 2011, Respondent noted that V.C. was describing symptoms of Attention
10 Deficit Disorder (ADD), but there was no evaluation done to support this diagnosis. From that
11 point on, the diagnoses for V.C. were anxiety disorder, obsessive-compulsive disorder and ADD.
12 In July of 2011, Respondent noted for the first time that V.C. was attracted to him. The last
13 documented progress note was in September 2011.

14 E. The physical relationship between V.C. and Respondent started out with just kissing,
15 but progressed eventually to sexual intercourse. They had sex in their cars, in hotel rooms and in
16 his office. V.C. claims they smoked marijuana together. Respondent told her he had been in
17 trouble for drug possession; when they went out he could not drive, so V.C. would always drive
18 them places. She was usually his last patient of the day. Once their physical relationship started,
19 they saw each other about 3 to 4 times a week.

20 F. They e-mailed on a consistent basis. V.C. provided the Board investigator a variety
21 of very intimate emails and pictures of Respondent, which were sent from his phone, including
22 one with his genitals exposed.

23 G. V.C. said they often went out to eat at restaurants. She recalled Respondent inviting
24 her to see his band play at the Marriott Hotel in Torrance in June 2012. She said it was an AA
25 meeting. He also invited her to attend a conference in Century City. He booked a room at the
26 hotel and she stayed in their room while he attended the conference. She had a hotel room key
27 and a receipt for the valet parking which she kept and gave to the investigator at her interview.
28

1 H. When interviewed, Respondent denied any sexual activities. He admitted V.C. was
2 attracted to him but he claimed he tried to set boundaries. Respondent also claimed that he never
3 sent nude pictures of himself to V.C., and that she must have gotten them from his ex-wife or
4 another therapist in the office with whom he used to work.

5 I. Respondent was asked to explain why he was in a photo with V.C. at a restaurant and
6 he claimed she "just showed up". That was also his explanation as to why she appeared at the
7 restaurant to watch his band and at the conference in Century City.

8 SECOND CAUSE FOR DISCIPLINE

9 (Gross Negligence)

10 8. Respondent is subject to disciplinary action under section 2234, subdivision (b) in
11 that he was grossly negligent in his care and treatment of patient V.C. The circumstances are as
12 follows:

13 A. The facts and circumstances alleged above in paragraph 7A through I are
14 incorporated herein as if fully set forth.

15 B. The standard of care to diagnose ADD is to perform physical and mental health
16 examinations. The only reference in the record of V.C.'s care to ADD was when Respondent
17 states that V.C. was describing symptomology of ADD. Respondent failed to do an appropriate
18 exam prior to prescribing medication for ADD.

19
20 THIRD CAUSE FOR DISCIPLINE

21 (Repeated Negligent Acts)

22 9. Respondent is subject to disciplinary action under section 2234, subdivision (b) in
23 that he was negligent in his care and treatment of patient V.C. The circumstances are as follows:

24 A. The facts and circumstances alleged above in paragraphs 7A through I, and 8B are
25 incorporated herein as if fully set forth.

26 B. Respondent's records do not contain the email correspondence between him and
27 V.C., which were important to show his diagnostic impression of her attraction to him. In
28 addition, the progress notes do not contain these impressions.

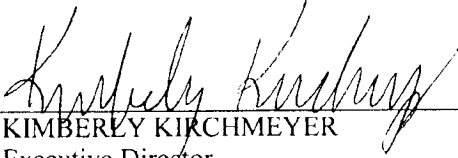
1 C. Respondent wrote prescriptions for more Adderall than what is documented in his
2 records.

3 PRAYER

4 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Medical Board of California issue a decision:

- 6 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 64471,
7 issued to Daniel Anderson, M.D.;
- 8 2. Revoking, suspending or denying approval of his authority to supervise physicians
9 assistants, pursuant to section 3527 of the Code;
- 10 3. If placed on probation, ordering him to pay the Medical Board of California the costs
11 of probation monitoring; and,
- 12 4. Taking such other and further action as deemed necessary and proper.

13
14 DATED: April 22, 2014



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

Complainant

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