

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

In the Matter of the First Amended  
Accusation Against: )  
)

THOMAS ADAM COTSEN, M.D. )

Case No. 06-2012-227418

Physician's and Surgeon's )  
Certificate No. G79392 )

Respondent )  
\_\_\_\_\_ )

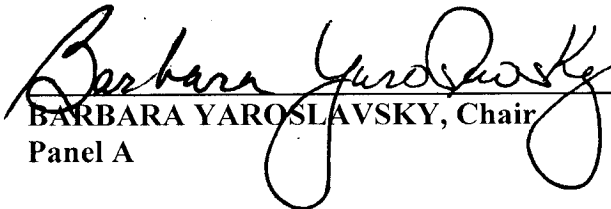
DECISION

The attached Stipulated Decision and Disciplinary 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 July 17, 2014.

IT IS SO ORDERED: June 17, 2014.

MEDICAL BOARD OF CALIFORNIA

  
BARBARA YAROSLAVSKY, Chair  
Panel A

1 KAMALA D. HARRIS  
Attorney General of California  
2 E. A. JONES III  
Supervising Deputy Attorney General  
3 RICHARD D. MARINO  
Deputy Attorney General  
4 State Bar No. 90471  
California Department of Justice  
5 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
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*Attorneys for Complainant*

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

11 In the Matter of the First Amended Accusation  
Against:

12 **THOMAS ADAM COTSEN, M.D.**  
13 **116 Robertson Blvd. #908**  
14 **Los Angeles, CA 90405**

15 **Physician's and Surgeon's Certificate No. G**  
**79392**

16 Respondent.

Case No. 06-2012-227418

OAH No. 2013080309

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

17  
18 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
19 interest and the responsibility of the Medical Board of California of the Department of Consumer  
20 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order  
21 which will be submitted to the Board for approval and adoption as the final disposition of the  
22 Accusation.

23 **PARTIES**

24 1. Kimberly Kirchmeyer ("Complainant") is the Executive Director of the Medical  
25 Board of California. She brought this action solely in her official capacity and is represented in  
26 this matter by Kamala D. Harris, Attorney General of the State of California, by Richard D.  
27 Marino, Deputy Attorney General.  
28

1 2. Respondent THOMAS ADAM COTSEN, M.D. ("Respondent") is represented in this  
2 proceeding by attorney Harry J. Nelson Esq., whose address is: 11835 W. Olympic Blvd., Suite  
3 925, Los Angeles, CA 90064.

4 3. On or about July 6, 1994, the Medical Board of California issued Physician's and  
5 Surgeon's Certificate No. G 79392 to THOMAS ADAM COTSEN, M.D. (Respondent). The  
6 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the  
7 charges brought in Accusation No. 06-2012-227418 and will expire on January 31, 2014, unless  
8 renewed.

### 9 JURISDICTION

10 4. Accusation No. 06-2012-227418 was filed before the Medical Board of California  
11 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The  
12 Accusation and all other statutorily required documents were properly served on Respondent on  
13 June 13, 2013. Respondent timely filed his Notice of Defense contesting the Accusation. First  
14 Amended Accusation No. 06-2012-227418 was filed concurrently with this Decision and Order.

15 5. A copy of First Amended Accusation No. 06-2012-227418 is hereto attached, marked  
16 Exhibit A, and incorporated herein by reference.

### 17 ADVISEMENT AND WAIVERS

18 6. Respondent has carefully read, fully discussed with counsel, and understands the  
19 charges and allegations in First Amended Accusation No. 06-2012-227418. Respondent has also  
20 carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
21 Settlement and Disciplinary Order.

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

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

3 **CULPABILITY**

4 9. Respondent admits the truth of each and every charge and allegation in First  
5 Amended Accusation No. 06-2012-227418.

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

9 **RESERVATION**

10 11. The admissions made by Respondent herein are only for the purposes of this  
11 proceeding, or any other proceedings in which the Medical Board of California or other  
12 professional licensing agency is involved, and shall not be admissible in any other criminal or  
13 civil proceeding.

14 **CONTINGENCY**

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

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

28 //

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

4 **DISCIPLINARY ORDER**

5 **IT IS HEREBY ORDERED** that Physician's and Surgeon's Certificate No. G 79392  
6 issued to Respondent THOMAS ADAM COTSEN, M.D. (Respondent) is revoked. However,  
7 the revocation is stayed and Respondent is placed on probation for three (3) years on the  
8 following terms and conditions.

9 1. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall abstain  
10 completely from the personal use or possession of controlled substances as defined in the  
11 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and  
12 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not  
13 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide  
14 illness or condition.

15 Within 15 calendar days of receiving any lawfully prescribed medications, Respondent  
16 shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone  
17 number; medication name, strength, and quantity; and issuing pharmacy name, address, and  
18 telephone number.

19 If Respondent has a confirmed positive biological fluid test for any substance (whether or  
20 not legally prescribed) and has not reported the use to the Board or its designee, Respondent  
21 shall receive a notification from the Board or its designee to immediately cease the practice of  
22 medicine. The Respondent shall not resume the practice of medicine until final decision on an  
23 accusation and/or a petition to revoke probation. An accusation and/or petition to revoke  
24 probation shall be filed by the Board within 15 days of the notification to cease practice. If the  
25 Respondent requests a hearing on the accusation and/or petition to revoke probation, the Board  
26 shall provide the Respondent with a hearing within 30 days of the request, unless the Respondent  
27 stipulates to a later hearing. A decision shall be received from the Administrative Law Judge or  
28 the Board within 15 days unless good cause can be shown for the delay. The cessation of practice

1 shall not apply to the reduction of the probationary time period.

2 If the Board does not file an accusation or petition to revoke probation within 15 days of the  
3 issuance of the notification to cease practice or does not provide Respondent with a hearing  
4 within 30 days of a such a request, the notification of cease practice shall be dissolved.

5 2. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the  
6 use of products or beverages containing alcohol.

7 If Respondent has a confirmed positive biological fluid test for alcohol, Respondent shall  
8 receive a notification from the Board or its designee to immediately cease the practice of  
9 medicine. The Respondent shall not resume the practice of medicine until final decision on an  
10 accusation and/or a petition to revoke probation. An accusation and/or petition to revoke  
11 probation shall be filed by the Board within 15 days of the notification to cease practice. If the  
12 Respondent requests a hearing on the accusation and/or petition to revoke probation, the Board  
13 shall provide the Respondent with a hearing within 30 days of the request, unless the Respondent  
14 stipulates to a later hearing. A decision shall be received from the Administrative Law Judge or  
15 the Board within 15 days unless good cause can be shown for the delay. The cessation of practice  
16 shall not apply to the reduction of the probationary time period.

17 If the Board does not file an accusation or petition to revoke probation within 15 days of the  
18 issuance of the notification to cease practice or does not provide Respondent with a hearing  
19 within 30 days of a such a request, the notification of cease practice shall be dissolved.

20 3. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to  
21 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.  
22 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair  
23 follicle testing, or similar drug screening approved by the Board or its designee. Prior to  
24 practicing medicine, Respondent shall contract with a laboratory or service approved in advance  
25 by the Board or its designee that will conduct random, unannounced, observed, biological fluid  
26 testing. The contract shall require results of the tests to be transmitted by the laboratory or  
27 service directly to the Board or its designee within four hours of the results becoming available.  
28 Respondent shall maintain this laboratory or service contract during the period of probation.

1 A certified copy of any laboratory test result may be received in evidence in any  
2 proceedings between the Board and Respondent.

3 If Respondent fails to cooperate in a random biological fluid testing program within the  
4 specified time frame, Respondent shall receive a notification from the Board or its designee to  
5 immediately cease the practice of medicine. The Respondent shall not resume the practice of  
6 medicine until final decision on an accusation and/or a petition to revoke probation. An  
7 accusation and/or petition to revoke probation shall be filed by the Board within 15 days of the  
8 notification to cease practice. If the Respondent requests a hearing on the accusation and/or  
9 petition to revoke probation, the Board shall provide the Respondent with a hearing within 30  
10 days of the request, unless the Respondent stipulates to a later hearing. A decision shall be  
11 received from the Administrative Law Judge or the Board within 15 days unless good cause can  
12 be shown for the delay. The cessation of practice shall not apply to the reduction of the  
13 probationary time period.

14 If the Board does not file an accusation or petition to revoke probation within 15 days of the  
15 issuance of the notification to cease practice or does not provide Respondent with a hearing  
16 within 30 days of a such a request, the notification of cease practice shall be dissolved.

17 4. PRESCRIBING PRACTICES COURSE. Within 60 calendar days of the effective  
18 date of this Decision, Respondent shall enroll in a course in prescribing practices equivalent to the  
19 Prescribing Practices Course at the Physician Assessment and Clinical Education Program,  
20 University of California, San Diego School of Medicine (Program), approved in advance by the  
21 Board or its designee. Respondent shall provide the program with any information and documents  
22 that the Program may deem pertinent. Respondent shall participate in and successfully complete  
23 the classroom component of the course not later than six (6) months after Respondent's initial  
24 enrollment. Respondent shall successfully complete any other component of the course within  
25 one (1) year of enrollment. The prescribing practices course shall be at Respondent's expense  
26 and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of  
27 licensure.

28 A prescribing practices course taken after the acts that gave rise to the charges in the

1 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
2 or its designee, be accepted towards the fulfillment of this condition if the course would have  
3 been approved by the Board or its designee had the course been taken after the effective date of  
4 this Decision.

5 Respondent shall submit a certification of successful completion to the Board or its  
6 designee not later than 15 calendar days after successfully completing the course, or not later than  
7 15 calendar days after the effective date of the Decision, whichever is later.

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

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

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

26 6. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the  
27 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the  
28 Chief Executive Officer at every hospital where privileges or membership are extended to



1 Respondent, at any other facility where Respondent engages in the practice of medicine,  
2 including all physician and locum tenens registries or other similar agencies, and to the Chief  
3 Executive Officer at every insurance carrier which extends malpractice insurance coverage to  
4 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15  
5 calendar days.

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

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

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

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

15 Respondent shall submit quarterly declarations not later than 10 calendar days after the end  
16 of the preceding quarter.

17 10. GENERAL PROBATION REQUIREMENTS.

18 Compliance with Probation Unit

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

21 Address Changes

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

27 Place of Practice

28 Respondent shall not engage in the practice of medicine in Respondent's or patient's place

1 of residence, unless the patient resides in a skilled nursing facility or other similar licensed  
2 facility.

3 License Renewal

4 Respondent shall maintain a current and renewed California physician's and surgeon's  
5 license.

6 Travel or Residence Outside California

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

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

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

16 12. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
17 its designee in writing within 15 calendar days of any periods of non-practice lasting more than  
18 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is  
19 defined as any period of time Respondent is not practicing medicine in California as defined in  
20 Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month  
21 in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All  
22 time spent in an intensive training program which has been approved by the Board or its designee  
23 shall not be considered non-practice. Practicing medicine in another state of the United States or  
24 Federal jurisdiction while on probation with the medical licensing authority of that state or  
25 jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall  
26 not be considered as a period of non-practice.

27 In the event Respondent's period of non-practice while on probation exceeds 18 calendar  
28 months, Respondent shall successfully complete a clinical training program that meets the criteria

1 of Condition 18 of the current version of the Board’s “Manual of Model Disciplinary Orders and  
2 Disciplinary Guidelines” prior to resuming the practice of medicine.

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

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

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

8 13. COMPLETION OF PROBATION. Respondent shall comply with all financial  
9 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the  
10 completion of probation. Upon successful completion of probation, Respondent’s certificate shall  
11 be fully restored.

12 14. VIOLATION OF PROBATION. Failure to fully comply with any term or condition  
13 of probation is a violation of probation. If Respondent violates probation in any respect, the  
14 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and  
15 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,  
16 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have  
17 continuing jurisdiction until the matter is final, and the period of probation shall be extended until  
18 the matter is final.

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

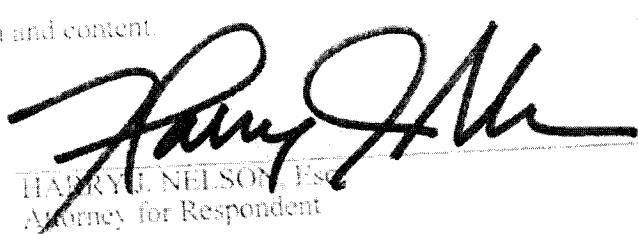
1 16. PROBATION MONITORING COSTS. Respondent shall pay the costs associated  
2 with probation monitoring each and every year of probation, as designated by the Board, which  
3 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of  
4 California and delivered to the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

6 ACCEPTANCE

7 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
8 discussed it with my attorney, Harry J. Nelson, Esq. I understand the stipulation and the effect it  
9 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and  
10 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
11 Decision and Order of the Medical Board of California.

12  
13 DATED: 1/10/14   
14 THOMAS ADAM COTSEN, M.D.  
Respondent

15 I have read and fully discussed with Respondent THOMAS ADAM COTSEN, M.D. the  
16 terms and conditions and other matters contained in the above Stipulated Settlement and  
17 Disciplinary Order. I approve its form and content.

18  
19 DATED: 1/10/14   
20 HARRY J. NELSON, Esq.  
21 Attorney for Respondent  
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**ENDORSEMENT**

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

Dated: 01.11.14

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
E. A. JONES III  
Supervising Deputy Attorney General



RICHARD D. MARINO  
Deputy Attorney General  
*Attorneys for Complainant*

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KAMALA D. HARRIS  
Attorney General of California  
E. A. JONES III  
Supervising Deputy Attorney General  
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*Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO 5/29 20 14  
BY [Signature] ANALYST

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

In the Matter of the Accusation Against:  
**THOMAS ADAM COTSEN, M.D.**  
**116 N. Robertson Blvd. #908**  
**Los Angeles, CA 90048**  
**Physician's and Surgeon's Certificate No. G**  
**79392**  
  
Respondent.

Case No. 06-2012-227418  
**FIRST AMENDED ACCUSATION**

Complainant alleges:

**PARTIES**

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs.
2. On or about July 6, 1994, the Medical Board of California issued Physician's and Surgeon's Certificate Number G 79392 to THOMAS ADAM COTSEN, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2016, unless renewed.

//

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 4. Section 2227 of the Code provides:

6 "(a) A licensee whose matter has been heard by an administrative law judge of the  
7 Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or  
8 whose default has been entered, and who is found guilty, or who has entered into a  
9 stipulation for disciplinary action with the board, may, in accordance with the provisions of  
10 this chapter:

11 "(1) Have his or her license revoked upon order of the board.

12 "(2) Have his or her right to practice suspended for a period not to exceed one year  
13 upon order of the division.

14 "(3) Be placed on probation and be required to pay the costs of probation monitoring  
15 upon order of the board.

16 "(4) Be publicly reprimanded by the board.

17 "(5) Have any other action taken in relation to discipline as part of an order of  
18 probation, as the board or an administrative law judge may deem proper.

19 "(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical  
20 review or advisory conferences, professional competency examinations, continuing  
21 education activities, and cost reimbursement associated therewith that are agreed to with the  
22 board and successfully completed by the licensee, or other matters made confidential or  
23 privileged by existing law, is deemed public, and shall be made available to the public by  
24 the board pursuant to Section 803.1."

25 5. Section 2234 of the Code, in pertinent part, provides:

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



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

4           ". . . ."

5           7. Section 2239 of the Code, in pertinent part, provides:

6                   “(a) The use or prescribing for or administering to himself or herself, of any  
7 controlled substance; or the use of any of the dangerous drugs specified in Section 4022, or  
8 of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to  
9 the licensee, or to any other person or to the public, or to the extent that such use impairs  
10 the ability of the licensee to practice medicine safely or more than one misdemeanor or any  
11 felony involving the use, consumption, or self-administration of any of the substances  
12 referred to in this section, or any combination thereof, constitutes unprofessional conduct.  
13 The record of the conviction is conclusive evidence of such unprofessional conduct.

14                   “(b) A plea or verdict of guilty or a conviction following a plea of nolo  
15 contendere is deemed to be a conviction within the meaning of this section. The Division of  
16 Medical Quality<sup>[1]</sup> may order discipline of the licensee in accordance with Section 2227 or  
17 the Division of Licensing may order the denial of the license when the time for appeal has  
18 elapsed or the judgment of conviction has been affirmed on appeal or when an order  
19 granting probation is made suspending imposition of sentence, irrespective of a subsequent  
20 order under the provisions of Section 1203.4 of the Penal Code allowing such person to  
21 withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the  
22 verdict of guilty, or dismissing the accusation, complaint, information, or indictment.”

23  
24  
25                   <sup>1</sup> California Business and Professions Code section 2002, as amended and effective  
26 January 1, 2008, provides that, unless otherwise expressly provided, the term “Board” as used in  
27 the State Medical Practice Act (Bus.& Prof. § 2000 et. seq.) means the “Medical Board of  
28 California,” and references to the “Division of Medical Quality” and “Division of Licensing” in  
the Act or any other provision of law shall be deemed to refer to the Board.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Self Prescribing and Use of Drugs)**

3  
4 9. Respondent is subject to disciplinary action, pursuant to Business and  
5 Professions Code section 2239, subdivision (a), in that he used a controlled substance or  
6 prescribed dangerous drugs to himself to the extent, or in such a manner as to be dangerous or  
7 injurious to himself or others, or to the extent that such use impairs the ability of the licensee to  
8 practice medicine safely, as follows:

9 A. On or about September 22, 2012, Respondent was arrested by  
10 members of the California Highway Patrol for possession of cocaine, in violation of Health  
11 and Safety Code section 11350, subdivision (a). Respondent had been stopped for  
12 speeding. Respondent's eyes were bloodshot and there was the odor of alcohol about his  
13 breath.<sup>2</sup>

14 B. On or about October 23, 2012, in the matter entitled *The People of*  
15 *the State of California v. Thomas Cotsen*, Los Angeles County Superior Court Number  
16 LA072287, Respondent acknowledged his possession of cocaine, in violation of Health and  
17 Safety Code section 11350, subdivision (a), a felony, in conjunction with the entry of a  
18 deferred judgment.

19 C. On or about April 13, 2013, the deferred judgment was terminated.

20 D. During the investigation of Respondent's criminal conviction,  
21  
22 members of the Medical Board's Enforcement Division obtained a Controlled Substance  
23 Utilization Review and Evaluation System (CURES) report which showed that Respondent  
24 self-prescribed zolpidem tartrate (Ambien), a sleep aid and Schedule IV controlled  
25  
26

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27 <sup>2</sup> A routine impound search of Respondent's vehicle revealed the presence of a white  
28 powdery substance which was later determined to be cocaine, a razor blade, a straw, and a mirror,  
all accoutrements for injecting cocaine through one's nose

1 substance, on July 11, 2011; August 15, 2011; October 4, 2011; December 8, 2011; January 21,  
2 2012; February 28, 2012; April 16, 2012; May 16, 2012; July 2, 2012; September 21, 2012;  
3 October 30, 2012; and, December 20, 2012. Each prescription was for 30 tablets, 10 mg.

4 **PRAYER**

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

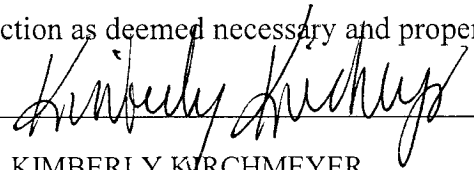
7  
8 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 79392,  
9 issued to THOMAS ADAM COTSEN, M.D.;

10 2. Revoking, suspending or denying approval of THOMAS ADAM COTSEN, M.D.'s  
11 authority to supervise physician assistants, pursuant to section 3527 of the Code;

12 3. Ordering THOMAS ADAM COTSEN, M.D., to pay the Medical Board of California,  
13 if placed on probation, the costs of probation monitoring; and,

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

15 DATED: May 29, 2014



16 KIMBERLY KIRCHMEYER  
17 Executive Director  
18 Medical Board of California  
19 Department of Consumer Affairs  
20 State of California

21 *Complainant*

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