

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

In the Matter of the Accusation)
Against:)

No. D-3794

JANINE B. CANAN, M.D.)
Certificate No. G-36372)

Respondent.)
_____)

DECISION

The attached Stipulation
is hereby adopted by the Division of Medical Quality of the
Medical Board of California as its Decision in the above-entitled
matter.

This Decision shall become effective on October 12, 1990.

IT IS SO ORDERED September 12, 1990.

DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA

Theresa Claassen

THERESA CLAASSEN
Secretary/Treasurer

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 HARRIET WISS HIRSCH
Deputy Attorney General
3 350 McAllister Street, Room 6000
San Francisco, California 94102
4 Telephone: (415) 557-2877

5 Attorneys for Complainant

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BEFORE THE
BOARD OF MEDICAL QUALITY ASSURANCE
DIVISION OF MEDICAL QUALITY
STATE OF CALIFORNIA

9

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11 In the Matter of the Accusation)	No. D-3794
)	
12 Against:)	<u>STIPULATION</u>
)	
13 JANINE B. CANAN, M.D.)	
P. O. Box 8148)	
14 Berkeley, CA 94707)	
License No. G-036372)	
)	
15 Respondent.)	
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It is hereby stipulated by and between Janine B. Canan,
M.D. (hereinafter respondent), with the advice of her attorney,
Robert K. Crawford, and the Division of Medical Quality
(hereinafter Division) by and through its attorney, Harriet Wiss
Hirsch, Deputy Attorney General, as follows:

1. Accusation number D-3794 is presently pending
before the Division.

2. Respondent is represented by Robert K. Crawford,
Attorney at Law.

1 3. Respondent understands the nature of the charges in
2 Accusation number D-3794 and has had those charges explained to
3 her by her attorney.

4 4. Respondent is fully aware of and has had explained
5 to her by her attorney her right to a hearing on all charges and
6 allegations in Accusation number D-3794, her right to
7 reconsideration, to appeal, and any and all other rights which
8 may be accorded to her under the California Administrative
9 Procedure Act and the laws of the State of California as they may
10 relate to Accusation number D-3794.

11 5. After consultation with her attorney, respondent
12 fully and voluntarily waives her right to a hearing,
13 reconsideration, appeal, and any and all other rights which may
14 be accorded to her under the California Administrative Procedure
15 Act and the laws of the State of California as they may relate to
16 Accusation number D-3794, except for those rights conferred by
17 section 11522 of the Government Code with respect to her rights
18 to petition for reduction of penalty after one year.

19 6. Respondent admits that she was grossly negligent in
20 caring for and treating a female patient, M.D.F., as set forth in
21 paragraph 6 of Accusation number D-3794. (A copy of said
22 Accusation is attached hereto as Exhibit A.) Respondent admits
23 that said gross negligence constitutes grounds for disciplinary
24 action under Business and Professions Code section 2234. This
25 admission is made solely for the purpose of resolution of the
26 proceedings pursuant to the Accusation number D-3794 of the Board
27 of Medical Quality Assurance against Janine B. Canan, M.D. and

1 said admission is not for the purpose of and may not be used
2 against Janine B. Canan, M.D. in any other proceedings either
3 civil or criminal.

4 7. Based on the recitals and stipulations contained in
5 this Stipulation, it is further stipulated and agreed that the
6 Division may issue a Decision as follows:

7 License number G-036372, issued to respondent Janine B.
8 Canan, M.D., is revoked, provided however, said revocation is
9 stayed and respondent is placed on probation for five (5) years
10 upon the following terms and conditions:

11 (a) Within sixty (60) days of the effective date of this
12 Decision respondent shall be examined by a California licensed
13 psychologist or a California licensed physician and surgeon who
14 is Board certified in psychiatry to determine whether respondent
15 is in need of therapy with respect to the acts underlying this
16 disciplinary action as set forth in Accusation number D-3794.
17 The cost of such evaluation shall be paid for by the Division and
18 the Division shall select the evaluator. Respondent shall
19 execute a release authorizing the evaluator to divulge any
20 information that the Division deems relevant.

21 (b) In the event psychotherapy is recommended by reason of
22 the psychological evaluation, respondent shall participate in a
23 therapy program as recommended by the evaluating psychiatrist.
24 The treating therapist shall be selected by respondent and
25 approved by the Division. Cost of therapy is to be paid for by
26 the respondent. The therapist must be a California licensed
27 psychologist or Joseph L. Henderson, M.D. or a California

1 licensed physician and surgeon who is Board certified in
2 psychiatry. The therapist shall be either Dr. Joseph L.
3 Henderson or an individual with no previous business,
4 professional or personal relationship with respondent. The
5 therapist shall confirm that respondent has complied with the
6 requirements of the Division and shall notify the Division
7 immediately if the therapist believes that respondent cannot
8 safely render psychiatric services. Respondent shall execute a
9 release authorizing the therapist to divulge this information to
10 the Division.

11 (c) In the event supervision of her practice is recommended
12 by reason of the psychological evaluation, respondent shall meet
13 with a clinical supervisor as recommended by the evaluator. The
14 supervisor shall be selected by the respondent and approved by
15 the Division, and all costs of supervision are to be paid for by
16 the respondent. The supervisor shall be an individual with no
17 previous business, professional or personal relationship with
18 respondent. The supervisor shall be a California licensed
19 physician and surgeon who is Board certified in psychiatry. The
20 supervisor shall report to the Division in writing on at least a
21 quarterly basis, verifying that supervision has taken place as
22 required and including an evaluation of respondent's performance.
23 The supervisor shall have access to respondent's patient records
24 and fiscal files of said patients. Respondent shall execute a
25 release authorizing the supervisor to divulge any information to
26 the Division that the supervisor deems relevant. Supervision

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1 shall continue until the supervisor determines it is no longer
2 necessary.

3 (d) Respondent shall obey all federal, state and local laws
4 and all regulations governing the practice of medicine in
5 California.

6 (e) Respondent shall submit quarterly declarations under
7 penalty of perjury on forms provided by the Division, stating
8 whether there has been compliance with all the conditions of
9 probation.

10 (f) Respondent shall comply with the Division's probation
11 surveillance program.

12 (g) Respondent shall appear in person for interviews with
13 the Division's medical consultant upon request at various
14 intervals and with reasonable notice.

15 (h) In the event respondent should leave California to
16 reside or to practice outside the state, she must notify the
17 Division in writing of the dates of departure and return.
18 Periods of residency or practice outside California will not
19 apply to the reduction of this probationary period.

20 (i) Upon successful completion of probation respondent's
21 license will be fully restored.

22 (j) If respondent violates probation in any respect, the
23 Division, after giving respondent notice and the opportunity to
24 be heard, may revoke probation and carry out the disciplinary
25 order that was stayed. If an accusation or a petition to revoke
26 probation is filed against respondent during probation, the
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1 Division shall have continuing jurisdiction until the matter is
2 final, and the period of probation shall be extended until the
3 matter is final.


4 8. The parties hereto agree that the admissions and
5 terms and conditions set forth herein shall be null and void and
6 not binding upon them unless and until approved and adopted by
7 the Division. Respondent shall be entitled to a full hearing on
8 the merits in the event these admissions, terms and conditions
9 are not approved and adopted by the Division.

10 DATED: 4-25-90

11 JOHN K. VAN DE KAMP, Attorney General
12 of the State of California

13 
14 HARRIET WISS HIRSCH
15 Deputy Attorney General

16 DATED: 4-23-90

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18 ROBERT K. CRAWFORD
19 Attorney for Respondent

20 I hereby certify that I have read this Stipulation in
21 its entirety, that my attorney of record has fully explained the
22 legal significance and consequences thereof, that I fully
23 understand all of the above and I affix my signature.

24 DATED: January 1, 1990

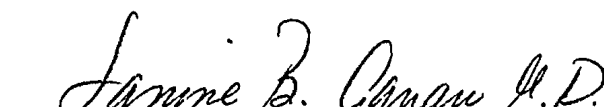
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26 JANINE B. CANAN, M.D.
27 Respondent

EXHIBIT A

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 HARRIET WISS HIRSCH
Deputy Attorney General
3 350 McAllister Street, Room 6000
San Francisco, California 94102
4 Telephone: (415) 557-2877

5 Attorneys for Complainant
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8 BEFORE THE
BOARD OF MEDICAL QUALITY ASSURANCE
9 DIVISION OF MEDICAL QUALITY
STATE OF CALIFORNIA
10

11 In the Matter of the Accusation) No. D-3794
12 Against:) ACCUSATION
13 JANINE B. CANAN, M.D.)
68 Avis Road)
14 Berkeley, CA 94707)
License No. G-036372)
15 Respondent.)
16

17 KENNETH J. WAGSTAFF, complainant herein, charges and
18 alleges as follows:

19 1. He is the Executive Director of the Board of
20 Medical Quality Assurance, State of California (hereinafter the
21 "Board") and makes these charges and allegations solely in his
22 official capacity.

23 2. At all times material herein, respondent Janine B.
24 Canon, M.D. (hereinafter "respondent") has held physician and
25 surgeon certificate number G-036372 which was issued to her by
26 the Board on or about May 1, 1978, and which is in good standing
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1 at the present time. No prior disciplinary action has been taken
2 against said certificate.

3 3. Business and Professions Code¹/ section 2234
4 provides that the Division of Medical Quality of the Board shall
5 take action against any licensee who is charged with
6 unprofessional conduct. Unprofessional conduct is defined
7 therein to include, but not to be limited to: violating or
8 attempting to violate, directly or indirectly, or assisting in or
9 abetting the violation of or conspiring to violate, any provision
10 of the Medical Practice Act (§§ 2000 et seq.), gross negligence,
11 repeated negligent acts, and incompetence.

12 4. Section 726 provides, in part, that the commission
13 of any act of sexual abuse, misconduct, or relations with a
14 patient which is substantially related to the qualifications,
15 functions and duties for which a license is issued constitutes
16 unprofessional conduct.

17 5. From approximately April or May 1983 until
18 approximately October or November 1983, respondent had under her
19 care and treatment for psychotherapy, a female patient, M. D. F.

20 6. In caring for and treating said patient, respondent
21 engaged in acts of sexual misconduct and was grossly negligent
22 and/or incompetent as is more particularly alleged hereinafter:

23 On or about October 6, 1983 M.D.F. had a regularly
24 scheduled appointment with respondent. When she left, M.D.F. had
25 two appointments scheduled for the following week on Tuesday and

26 1. All statutory references are to the Business and
27 Professions Code unless otherwise indicated.

1 Thursday, October 11, and 13, 1983. On or about Sunday,
2 October 9, 1983 M.D.F. telephoned respondent. During that
3 telephone conversation respondent told M.D.F. that she would no
4 longer be her therapist and that they could be personal friends.
5 M.D.F. visited respondent at her home later that day.

6 On or about Wednesday, October 12, 1983 M.D.F. moved
7 into respondent's home, and lived there for two weeks. During
8 that time, on more than one occasion, respondent and M.D.F. had
9 sexual relations while undressed on respondent's bed, which
10 involved kissing each other and each touching the others
11 genitals.

12 M.D.F. moved out of respondent's home on or about the
13 last week of October 1983. She was in great distress at the
14 time, and telephoned the local suicide prevention hotline several
15 times. Respondent's conduct has caused M.D.F. severe mental pain
16 and suffering, including being unable to work at her job or on
17 her Ph.D. dissertation, increased suicidal ideation, and
18 inability to trust psychotherapists.


19 7. Respondent's conduct as alleged in paragraph 6
20 constitutes the commission of acts of sexual abuse, misconduct or
21 relations with a patient which is substantially related to the
22 qualifications, functions and duties of a psychiatrist and is
23 therefore grounds for disciplinary action pursuant to sections
24 726 and 2234.

25 8. Respondent's conduct as alleged in paragraph 6
26 constitutes gross negligence and/or incompetence and is therefore
27 grounds for disciplinary action pursuant to section 2234.

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WHEREFORE, complainant prays that the Board hold a hearing on the matters alleged herein and following said hearing issue a decision revoking physician and surgeon certificate number C-027740 issued to Janine B. Canan and taking such other and further action as the Board deems just and proper.

DATED: May 13, 1988



KENNETH J. WAGSTAFF
Executive Director
Board of Medical Quality Assurance
Division of Medical Quality

Complainant