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6 Attorneys for Complainant

7  
8 **BEFORE THE**  
9 **DIVISION OF MEDICAL QUALITY**  
10 **MEDICAL BOARD OF CALIFORNIA**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13  
14 In the Matter of the Accusation and ) NO. D-4755  
Petition to Revoke Probation )  
15 Against: )  
16 ROBERT WARREN ADAMS, M.D. ) STIPULATION IN  
6380 Palm Avenue ) SETTLEMENT AND DECISION  
17 Highland, California 92346 )  
18 Physician's and Surgeon's )  
Certificate No. A-20726, )  
19 Respondent. )  
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21 In the interest of a prompt and speedy settlement of  
22 this matter, consistent with the public interest and the  
23 responsibility of the Division of Medical Quality, Medical Board  
24 of California, Department of Consumer Affairs ("Board") the  
25 parties submit this Stipulation and Decision to the Board for its  
26 approval and adoption as the final disposition of the Accusation.

27 The parties stipulate the following is true:

1           1. An Accusation and Petition to Revoke Probation, No.  
2 D-4755, is currently pending against Robert Warren Adams, M.D.  
3 ("respondent"), before the Board. The Accusation and Petition  
4 to Revoke Probation, together with all other statutorily required  
5 documents, was duly served on the respondent on or about June 5,  
6 1992. Respondent on June 12, 1992, requested that the matter be  
7 settled by Stipulation and Decision.

8           2. At all times relevant herein, respondent has been  
9 licensed by the Medical Board of California under Physician's and  
10 Surgeon's License No. A-20726.

11           3. Respondent is not represented by counsel in this  
12 matter. Respondent fully understands his right to obtain counsel  
13 himself to represent him in this matter. Respondent has chosen  
14 to waive that right and to represent himself.

15           4. Respondent has carefully read and is fully aware of  
16 the charges and allegations contained in Accusation and Petition  
17 to Revoke Probation No. D-4755 on file with the Board.  
18 Respondent understands the nature of the charges alleged in the  
19 Accusation and Petition to Revoke Probation as constituting  
20 causes for imposing discipline upon his Physician and Surgeon  
21 License.

22           5. Respondent is fully aware of his right to a hearing  
23 on the charges and allegations contained in said Accusation, his  
24 right to confront and cross-examine witnesses who may testify  
25 against him, his right to be represented by an attorney, his  
26 right to produce witnesses on his behalf or to testify himself.  
27 Respondent understands his right to reconsideration, appeal and

1 all other rights which are accorded to him pursuant to the  
2 California Business and Professions Code and Government Code and  
3 freely and voluntarily waives such rights.

4           6. Respondent admits the charges contained in  
5 Accusation and Petition to Revoke Probation No. D-4577 as  
6 alleged. Respondent specifically admits that he was originally  
7 placed on probation by the Board in 1971 for abuse of alcoholic  
8 beverages; that his license was revoked in 1977 for continuing  
9 problems with alcoholic beverages; that on October 24, 1977, he  
10 again was placed on license probation for a period of 15 years on  
11 the condition that he completely abstain from use of alcoholic  
12 beverages in any form; that beginning in August 1989 he began  
13 using alcoholic beverages again; that on November 26, 1989, he  
14 was arrested for driving a vehicle while intoxicated in Oceano,  
15 California, and a breath test showed a blood alcohol level of  
16 .11; that on February 16, 1990, respondent pled no contest to the  
17 criminal charge of reckless driving as an alcohol related  
18 offense, all in violation of his license probation with the  
19 Board.

20           7. Respondent admits the truth of each and every  
21 allegation of the Accusation and Petition to Revoke Probation No.  
22 D-4755, and agrees that respondent has thereby subjected his  
23 license to discipline. Respondent agrees to the Board's  
24 imposition of penalty as set out herein in the Order below. A  
25 copy of Accusation and Petition to Revoke Probation No. D-4755 is  
26 attached hereto and incorporated herein by reference as though  
27 fully set forth.

1           8. The admissions, waivers and recitals set forth  
2 above are for the purpose of this stipulation only, and may not  
3 be used for any other purpose or in any other proceeding.

4           9. Respondent understands that by reason of the  
5 waivers and admissions set forth hereinabove, he is enabling the  
6 Division of Medical Quality to enter the following order from  
7 this stipulation without further process. Should the Division of  
8 Medical Quality not adopt this stipulation and order as its  
9 decision in this matter, the waivers and admissions between the  
10 parties shall have no force or effect.

#### 11                       ORDER

12           Physician's and Surgeon's Certificate No. A20726 issued  
13 to respondent, Robert Warren Adams, M.D., is revoked, provided,  
14 however, that the revocation is stayed and respondent is placed  
15 on probation for ten years upon the following terms and  
16 conditions:

#### 17                       CONDITIONS

18           1. Within 30 days of the effective date of this  
19 decision, respondent shall enroll and participate in the  
20 Division's Diversion Program until the Division determines that  
21 further treatment and rehabilitation is no longer necessary.  
22 Quitting the program without permission or being expelled for  
23 cause shall constitute a violation of probation by respondent.

24           2. Respondent shall continue to participate in  
25 Alcoholics Anonymous at least twice weekly until released by the  
26 Division.

27    ///

1           3. Respondent shall completely abstain from the use of  
2 alcohol in any form.

3           4. Upon at least fifteen (15) days notice from the  
4 Division, respondent shall meet with a medical consultant of the  
5 Division at least once each year and not exceeding twelve times  
6 per year.

7           5. Respondent shall cooperate with the medical  
8 consultant and any authorized representative of the Division.

9           6. Respondent shall immediately submit to biological  
10 fluid testing, at respondent's cost, upon the request of the  
11 Division or its designee.

12           7. He shall practice only in a supervised and  
13 structured environment approved in advance by the Division. In  
14 the event the Division approves a change in the place of his  
15 practice, the Division may require additional appropriate terms  
16 and conditions of probation.

17           8. He shall not enter any place serving alcoholic  
18 beverages.

19           9. Respondent shall obey all federal, state and local  
20 laws, and all rules governing the practice of medicine in  
21 California.

22           10. Respondent shall submit quarterly declarations  
23 under penalty of perjury on forms provided by the Division,  
24 stating whether there has been compliance with all the conditions  
25 of probation.

26           11. Respondent shall comply with the Division's  
27 probation surveillance program.

1           12. The period of probation shall not run during the  
2 time respondent is residing or practicing outside the  
3 jurisdiction of California. If, during probation, respondent  
4 moves out of the jurisdiction of California to reside or practice  
5 elsewhere, respondent is required to immediately notify the  
6 Division in writing of the date of departure, and the date of  
7 return, if any.

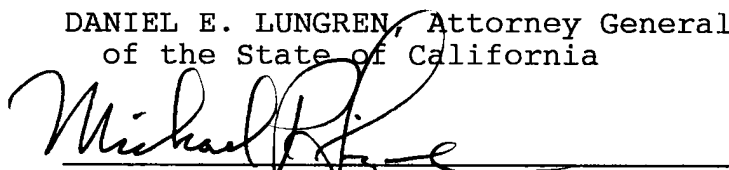
8           13. Upon successful completion of probation,  
9 respondent's certificate will be fully restored.

10           14. If respondent violates probation in any respect,  
11 the Division, after giving respondent notice and the opportunity  
12 to be heard, may revoke probation and carry out the disciplinary  
13 order that was stayed. If an accusation or petition to revoke  
14 probation is filed against respondent during probation, the  
15 Division shall have continuing jurisdiction until the matter is  
16 final, and the period of probation shall be extended until the  
17 matter is final.

18           I have read the above Stipulation and Order, understand  
19 their terms, and agree in all respects thereto.

20           Date: <sup>July 8</sup> ~~June 15~~, 1992.

21                           DANIEL E. LUNGREN, Attorney General  
22                           of the State of California

23                             
24                           MICHAEL P. SIPE  
25                           Deputy Attorney General

26                           Attorneys for Complainant  
27                           Medical Board of California  
                          Division of Medical Quality  
                          Department of Consumer Affairs  
                          State of California

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I have read the above document, and I fully understand,  
accept and consent to all of the provisions of the above  
Stipulation and Order.

Dated: 6/23/02

Robert Warren Adams  
ROBERT WARREN ADAMS

Respondent

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DECISION AND ORDER  
OF THE BOARD

The foregoing Stipulation and Order, in Accusation No. D-4755, is hereby adopted as the Order of the Medical Board of California. An effective date of October 24, 1992, has been assigned to this Decision and Order.

Made this 24th day of September, 1992.



FOR THE MEDICAL BOARD OF CALIFORNIA  
THERESA CLAASEN  
Secretary/Treasurer



1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
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14 Highland, California 92346 )  
15 )  
California Physician's and )  
16 Surgeon's Certificate )  
No. A20726 )  
17 )  
Respondent. )  
18 )

Case No. D-4755

ACCUSATION

&

PETITION TO REVOKE  
PROBATION

19 COMES NOW Complainant Kenneth J. Wagstaff, and as cause  
20 for disciplinary action against the above-encaptioned Respondent,  
21 and as cause for revoking his probationary status with the Board,  
22 charges and alleges as follows.

23 1. Complainant is the Executive Director of the  
24 Medical Board of California, Department of Consumer Affairs,  
25 State of California (hereinafter the "Board"), and makes and  
26 files this Accusation and Petition to Revoke Probation solely in  
27 his official capacity as such and not otherwise.

1                   2. License Status. On or about July 1, 1963, Robert  
2 Warren Adams, M.D., Respondent herein and hereinafter referred to  
3 as Respondent, was issued Physician's and Surgeon's Certificate  
4 No. A20726 by the Board, authorizing him to practice medicine in  
5 the State of California. Respondent is currently on Probation  
6 with the Board, with Probation due to terminate on October 25,  
7 1992.

8                   3. Disciplinary History. Respondent has the following  
9 history of discipline with the Board giving rise to his current  
10 probationary status:

11                   1971: First Probation. In or about 1971, Respondent  
12 was charged in an Accusation with having demonstrated  
13 unprofessional conduct as defined in former section 2390  
14 [now, § 2239(a)] of the Medical Practice Act, by reason of  
15 his having used alcoholic beverages to such an extent and in  
16 such a manner as to be dangerous or injurious to himself,  
17 other persons, or the public. The circumstances  
18 undergirding the charges were that (i) on three separate  
19 occasions while under the influence of an intoxicating  
20 liquor, Respondent had driven a vehicle in an erratic and  
21 careless manner so as to be dangerous to himself, to others,  
22 and to the public; and (ii) that for one of them Respondent  
23 was convicted of driving under the influence of alcohol in  
24 violation of former section 23102 (now, § 23152) of the  
25 Vehicle Code. A hearing was held on the matter (Case No. D-  
26 1265) and Respondent was found guilty of unprofessional  
27 conduct as charged. As a result, by Decision and Order of

1 the Board dated October 28, 1971, Respondent was placed on  
2 five years Probation under certain terms and conditions, one  
3 of which was that he was to comply with all laws of the  
4 State of California.

5 1976-77: Revocation of Probation & Subsequent  
6 Restoration of License Under Second and Current Probation.

7 On May 25, 1976, an Accusation and Petition To Revoke  
8 Probation was filed against Respondent. It charged him with  
9 unprofessional conduct again under section 2390, for having  
10 used alcohol in such a manner as to be injurious to himself  
11 or to others, and to an extent that his ability to safely  
12 conduct the practice of medicine was impaired; and (b) it  
13 sought revocation of his Probation for having violated the  
14 above-mentioned condition of Probation. The circumstances  
15 undergirding the charges were that (i) on July 31, 1975,  
16 Respondent had reported to work and made his rounds while  
17 under the influence of alcohol, and (ii) on April 15, 1974,  
18 Respondent had been found guilty by a jury in Municipal  
19 Court of the misdemeanor offense of driving while under the  
20 influence of an intoxicating liquor, causing injury to  
21 another, a violation of former section 23101 (now, § 23153)  
22 of the State Vehicle Code.

23 A hearing was held on the matter following which  
24 Respondent's Certificate of Licensure was revoked "until  
25 such time as [he could] produce evidence satisfactory to the  
26 Board ... that he [was] no longer addicted to the use of  
27 alcohol in any form." (Decision (Apr. 28, 1977), Case No.

1 D-1797.) In August 1977, Respondent filed a Petition For  
2 Restoration of his revoked Certificate. Following a  
3 hearing, Respondent's Certificate to practice was  
4 conditionally restored on October 24, 1977 and he was placed  
5 on probation with the Board for fifteen (15) years under  
6 certain terms and conditions, one of which was that he  
7 "completely abstain from the use of alcohol in any form."

8 4. Jurisdiction. Section 2220 of California's  
9 Business and Professions Code [hereinafter, "the Code"] provides,  
10 in pertinent part, that the Division of Medical Quality may take  
11 action against all persons guilty of violating any of the  
12 provisions of the Medical Practice Act, i.e., Chapter 5 of  
13 Division 2 of the Code. Section 2227 of the Code provides that a  
14 licensee whose matter has been heard by the Division of Medical  
15 Quality, by a medical quality review committee or a panel of such  
16 committee, or by an administrative law judge, or whose default  
17 has been entered, and who is found guilty may: (a) have his or  
18 her certificate revoked upon order of the division; (b) have his  
19 or her right to practice suspended for a period not to exceed one  
20 year upon order of the division or a committee or panel thereof;  
21 (c) be placed on probation upon order of the division or a  
22 committee or panel thereof; (d) be publicly reprimanded by the  
23 division or a committee or panel thereof; (e) have such other  
24 action taken in relation to discipline as the division, a  
25 committee or panel thereof, or an administrative law judge may  
26 deem proper.

27 5. Summary of Allegations. This Accusation and

1 Petition To Revoke Probation is brought, and Respondent is  
2 subject to disciplinary action and to having his probationary  
3 status with the Board revoked, because Respondent has again  
4 demonstrated unprofessional conduct by his intemperate use of  
5 alcohol (§ 2239, formerly, § 2390), and because Respondent has  
6 thereby violated the aforementioned condition of his probation  
7 calling for him to completely abstain from the use of alcohol in  
8 any form.

9 ALLEGATIONS IN SUPPORT OF ACCUSATION

10 6. Section 2234 of the Medical Practice Act provides  
11 that the Division of Medical Quality shall take action against  
12 any licensee who is guilty of unprofessional conduct. Section  
13 2239 provides that the unprofessional conduct for which the  
14 Division of Medical Quality may discipline a licentiate includes  
15 the following:

16 "The use ... of alcoholic beverages, to the  
17 extent, or in such a manner as to be dangerous or  
18 injurious to the licensee, or to any other person or to  
the public...."

19 7. Respondent is subject to disciplinary action  
20 pursuant to section 2234 for unprofessional conduct as defined by  
21 section 2239, because Respondent has again used alcoholic  
22 beverages in such a manner as to be dangerous or injurious to  
23 himself, to other persons, or to the public. The circumstances  
24 are as follows:

25 On or about November 26, 1989, Respondent while  
26 intoxicated operated a motor vehicle on the beach in the  
27 Pismo Dunes State Vehicular Recreation Area in Oceano,  
California, at a speed (30 mph) that was twice the posted

1 speed limit (15 mph). He was apprehended by a Park Ranger  
2 (Officer Tolin) with the State Department of Parks and  
3 Recreation. The peace officer noted that Respondent had a  
4 moderate odor of alcohol on his breath and watery glassy  
5 eyes, and that he spoke with some slurred speech. The  
6 Officer had also seen an open bottle of vodka on the front  
7 passenger seat, with about 2 or 3 ounces left in it; a  
8 subsequent search of the vehicle also found an open can of  
9 beer that was about 1/3 full.

10 Officer Tolin administered a series of field sobriety  
11 coordination tests to Respondent. Respondent could not  
12 successfully complete the one leg stand or the heel-toe  
13 walk. Officer Tolin placed Respondent under arrest for  
14 driving under the influence of alcohol and transported him  
15 to the Ranger Station where he administered a breath test.  
16 The resulting reading was a blood alcohol level of .11.

17 As a consequence, Respondent was charged in San Luis  
18 Obispo County Municipal Court in a four count Complaint  
19 (Case No. M000149311). On February 16, 1990, Respondent  
20 pled no contest (nolo contendere) to violating section 23103  
21 of the Vehicle Code, to wit, reckless driving, i.e., driving  
22 in willful or wanton disregard for the safety of persons or  
23 property. The Court found Respondent guilty thereon and  
24 also found that the offense was alcohol related. (Cf. Veh.  
25 Code, § 23103.5<sup>\*</sup>)

26  
27 \*Section 23103.5 of the Vehicle Code provides that when the  
prosecution agrees to a person pleading guilty or nolo contendere  
to a charge of violating section 23103 [reckless driving] as a

1 ALLEGATIONS IN SUPPORT OF PETITION TO REVOKE PROBATION

2 8. As mentioned hereinabove at paragraph 3, by  
3 Decision of the Board dated October 27, 1977, Respondent was  
4 placed on Probation for fifteen (15) years under certain terms  
5 and conditions, among which was that

6 "7. He shall completely abstain from the use of  
7 alcohol in any form."

8 9. Respondent's current probationary status with the  
9 Board is subject to revocation because he has violated condition  
10 #7 of his Probation in that he has not completely abstained from  
11 the use of alcohol during his probationary period, as is more  
12 particularly alleged as follows:

13 A. In mid-August 1989, Respondent had a "relapse" from  
14 a six-years period of sobriety and started drinking one to  
15 three bottles of beer a night. As a result, he intensified  
16 his AA involvement, attending meetings 3-5 times weekly.  
17 However, in mid-October his wife was diagnosed with a  
18 lymphoma, underwent surgery on November 1<sup>st</sup> and thereafter  
19 began chemotherapy. Respondent forgot his AA program and  
20 started drinking heavily again.

21 B. The matters set forth above at paragraph 9 disclose  
22 that on or about November 26, 1989, Respondent consumed a  
23 sufficient quantity of alcohol to raise his blood alcohol

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24 substitute for an original charge of violating section 23152 of  
25 the Code [driving under the influence of alcohol/driving with a  
26 blood alcohol level of more than .10% g/ml.], the prosecution  
27 must state a factual basis as to whether or not there had been  
consumption of any alcoholic beverage by the defendant in  
connection with the offense. The Municipal Court Complaint  
against Respondent had originally charged him with violating  
section 23152.

1 level to .11, and thereafter drove his vehicle in an  
2 unlawful manner. When apprehended by a peace officer, two  
3 open bottles of alcohol were found in his vehicle.

4 Respondent was unable to pass at least two of the field  
5 sobriety coordination tests administered by the officer.


6 Respondent was arrested and was subsequently convicted,  
7 upon his plea of nolo contendere, of reckless driving, or  
8 driving in willful or wanton disregard for the safety of  
9 persons or property. The Court found the offense to be  
10 alcohol related.

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

14 1. Revoking the Probationary Status of Physician's and  
15 Surgeon's Certificate No. A20726 heretofore issued to respondent  
16 Robert Warren Adams, M.D.; and/or

17 2. Taking such other and further action as the Board deems  
18 meet in the premises.

19 DATED: June 5, 1992

20  
21   
22 KENNETH J. WAGSTAFF  
23 Executive Director  
24 Medical Board of California  
25 Department of Consumer Affairs  
26 State of California

27  
Complainant