

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

In the Matter of the Accusation Against:)
)
)

JEFFREY T. GRAY, M.D.)

File No. 12-2004-156729

Physician's and Surgeon's)
Certificate No. G 56251)
)

Respondent.)
_____)

DECISION

The attached Stipulation for Surrender of License is hereby adopted as the Decision and Order of the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on December 7, 2006.

IT IS SO ORDERED November 30, 2006.

MEDICAL BOARD OF CALIFORNIA

By: Cesar A. Aristeiguieta, M.D.
Cesar A. Aristeiguieta, M.D., Chair
Consolidated Panel
Division of Medical Quality

1 BILL LOCKYER, Attorney General
of the State of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 DAVID CARR, State Bar No. 131672
Deputy Attorney General
4 California Department of Justice
455 Golden Gate Ave, Suite 11000
5 San Francisco, California 94102-7004
Telephone: (415) 703-5538
6 Facsimile: (415) 703-5480
7 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

13 JEFFREY T. GRAY, M.D.
14 P.O. Box 5096
15 Napa, California 94581

16 Physician and Surgeon's Certificate No. G 56251

17 Respondent.

Case No. 122004-156729
OAH No. 2005040715

**STIPULATION FOR SURRENDER
OF LICENSE**

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

21 1. Complainant David T. Thornton brought this action solely in his official
22 capacity as the Executive Director of the Medical Board of California ("Medical Board" or
23 "Board"). Complainant is represented in this matter by Bill Lockyer, Attorney General of the
24 State of California, by David Carr, Deputy Attorney General.

25 2. Respondent Jeffrey T. Gray, M.D. ("respondent") is represented in this
26 proceeding by attorney John T. Kennedy of Nossaman, Guthner, Knox & Elliot, LLP.

27 3. On October 15, 1985, the Board issued Physician and Surgeon's
28 Certificate No. G 56251 to respondent Jeffrey T. Gray, M.D. This certificate expired on August

1 31, 2005.

2 4. An Accusation in case No. 122004-156729 was filed on June 13, 2005
3 before the Division of Medical Quality ("division"), Medical Board of California, Department of
4 Consumer Affairs. A First Amended Accusation was filed in the case on July 12, 2006. A copy
5 of the First Amended Accusation is attached as Exhibit A and incorporated by reference in this
6 stipulation.

7 5. On May 31, 2005, after holding a hearing pursuant to Government Code
8 section 11529(d), the Office of Administrative Hearings issued an Interim Suspension Order
9 prohibiting respondent from practicing medicine until a final decision is issued on the
10 Accusation filed in this matter.

11 6. Respondent has carefully read and understands the nature of the charges
12 and allegations in the Accusation and the effects of this Stipulation for Surrender of License.

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

20 8. For the purpose of resolving Case No.122004-156729 without the expense
21 and uncertainty of further proceedings, respondent gives up his right, as set forth in paragraph 7,
22 above, to contest that cause for discipline exists and admits that there is a factual and legal basis
23 for imposition of discipline against his physician and surgeon's certificate under Business and
24 Professions Code sections 2227 and 2234.

25 9. All admissions and recitals contained in this stipulation are made solely
26 for the purpose of settlement in this proceeding and for any other proceedings in which the
27 Division of Medical Quality, Medical Board of California or other professional licensing agency
28 is involved, and shall not be admissible in any other criminal or civil proceedings.

1 10. Respondent understands that by signing this stipulation he is enabling the
2 Division of Medical Quality to issue its order accepting the surrender of his license without
3 further process. He understands and agrees that Medical Board's staff and counsel for
4 complainant may communicate directly with the division regarding this stipulation without notice
5 to or participation by respondent or his counsel. If the division fails to adopt this stipulation as
6 its Order, the Stipulation for Surrender of License, except for this paragraph, shall be of no force
7 or effect. The Stipulation for Surrender of License shall be inadmissible in any legal action
8 between the parties and the division shall not be disqualified from further action by having
9 considered this matter.

10 11. Upon acceptance of the stipulation by the division, respondent understands
11 that he will no longer be permitted to practice as a physician in California, unless and until a
12 petition for reinstatement is granted.

13 12. Respondent fully understands and agrees that if he ever files an
14 application for relicensure or reinstatement in the State of California, the division shall treat it
15 as a petition for reinstatement and respondent will comply with all the laws, regulations, and
16 procedures for reinstatement of a revoked license in effect at the time the petition is filed,
17 except that respondent may petition the Board for reinstatement after a period of not less than
18 two years has elapsed following the effective date of this decision. Respondent expressly
19 admits that he committed an act of unprofessional conduct in violation of section 2234 by
20 commencing a personal relationship with a former patient soon after the professional
21 relationship ended. Respondent further expressly admits that he was grossly negligent in the
22 care and treatment of that same patient, in violation of section 2234(b). Respondent understands
23 and agrees further that these admissions of violation of section 2234 and section 2234(b) will be
24 considered and the specific allegations of the Fourth, Eighth, and Ninth Causes for Discipline of
25 the First Amended Accusation in Case No. 122004-156729 will be deemed to be true and correct
26 by respondent when the division determines whether to grant or deny the petition. Respondent
27 hereby waives any time-based defense he might otherwise have to the charges contained in the
28 Accusation in Case No.122004-156729, including but not limited to the equitable defense of

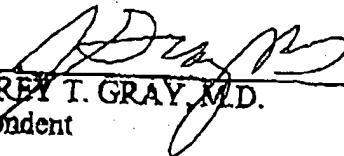
1 laches.

2 13. The parties agree that facsimile copies of this Stipulation for Surrender of
3 License, including facsimile signatures on it, shall have the same force and effect as the original
4 Stipulation for Surrender of License.

5 **ACCEPTANCE**

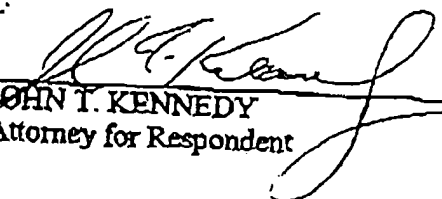
6 I, Jeffrey T. Gray, M.D., have carefully read the above stipulation and have fully
7 discussed the terms and conditions and other matters contained therein with my attorney John
8 Kennedy. I enter into it freely and voluntarily and, with full knowledge of its force and effect, do
9 hereby agree to surrender my physician and surgeon's certificate No. G 56251 to the Division of
10 Medical Quality, Medical Board of California for its formal acceptance. By signing this
11 stipulation to surrender my license, I recognize that I will lose all rights and privileges to practice
12 as a physician and surgeon in the State of California.

13 DATED: 11/21/06

14 
15 JEFFREY T. GRAY, M.D.
16 Respondent

17
18 I have read and fully discussed with respondent Jeffrey T. Gray, M.D. the terms
19 and conditions and other matters contained in the above Stipulation for Surrender of License. I
20 approve the form of this Stipulation.

21 DATED: 11/21/06

22 
23 JOHN T. KENNEDY
24 Attorney for Respondent

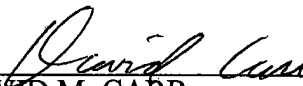
25
26 **ENDORSEMENT**

27 The foregoing Stipulation for Surrender of License is hereby respectfully
28 submitted for consideration by the Division of Medical Quality, Medical Board of California of

1 the Department of Consumer Affairs.

2 DATED: November 21, 2006.

3 BILL LOCKYER, Attorney General
4 of the State of California

5 
6 _____
7 DAVID M. CARR
8 Deputy Attorney General

9 Attorneys for Complainant
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit A:

First Amended Accusation Case No. 122004-156729

1 BILL LOCKYER, Attorney General
of the State of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 DAVID CARR, State Bar No. 131672
Deputy Attorney General
4 California Department of Justice
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5538
6 Facsimile: (415) 703-5480
7 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

13 JEFFREY T. GRAY, M.D.
14 P. O. Bo 5096
Napa, CA 94581-0096

15 Physician's and Surgeon's Certificate G 56251

16 Respondent.

Case No. 122004-156729

OAH No. 2005040715

**FIRST AMENDED
ACCUSATION**

18 Complainant alleges:

19 PARTIES

20 1. David T. Thornton (Complainant) brings this Accusation solely in his
21 official capacity as the Executive Director of the Medical Board of California, Department of
22 Consumer Affairs.

23 2. On or about October 15, 1985, the Medical Board of California issued
24 Physician's and Surgeon's Certificate Number G 56251 to Jeffrey T. Gray, M.D. (Respondent).
25 The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the
26 charges brought herein and expired on August 31, 2005. Respondent's Certificate was
27 suspended by an Interim Suspension Order issued May 31, 2005 pursuant to Government Code
28 section 11529 upon petition by the Medical Board and after a noticed hearing.

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

3 5. Section 125.3 of the Code states:

4 “(a) Except as otherwise provided by law, in any order issued in resolution of a
5 disciplinary proceeding before any board within the department or before the Osteopathic
6 Medical Board, the board may request the administrative law judge to direct a licentiate
7 found to have committed a violation or violations of the licensing act to pay a sum not to
8 exceed the reasonable costs of the investigation and enforcement of the case.

9 “(b) In the case of a disciplined licentiate that is a corporation or a partnership,
10 the order may be made against the licensed corporate entity or licensed partnership.

11 “(c) A certified copy of the actual costs, or a good faith estimate of costs where
12 actual costs are not available, signed by the entity bringing the proceeding or its
13 designated representative shall be prima facie evidence of reasonable costs of
14 investigation and prosecution of the case. The costs shall include the amount of
15 investigative and enforcement costs up to the date of the hearing, including, but not
16 limited to, charges imposed by the Attorney General.

17 “(d) The administrative law judge shall make a proposed finding of the amount of
18 reasonable costs of investigation and prosecution of the case when requested pursuant to
19 subdivision (a). The finding of the administrative law judge with regard to costs shall not
20 be reviewable by the board to increase the cost award. The board may reduce or
21 eliminate the cost award, or remand to the administrative law judge where the proposed
22 decision fails to make a finding on costs requested pursuant to subdivision (a).

23 “(e) Where an order for recovery of costs is made and timely payment is not made
24 as directed in the board's decision, the board may enforce the order for repayment in any
25 appropriate court. This right of enforcement shall be in addition to any other rights the
26 board may have as to any licentiate to pay costs.

27 “(f) In any action for recovery of costs, proof of the board's decision shall be
28 conclusive proof of the validity of the order of payment and the terms for payment.

1 “(g) (1) Except as provided in paragraph (2), the board shall not renew or reinstate
2 the license of any licentiate who has failed to pay all of the costs ordered under this
3 section.

4 “(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally
5 renew or reinstate for a maximum of one year the license of any licentiate who
6 demonstrates financial hardship and who enters into a formal agreement with the board to
7 reimburse the board within that one-year period for the unpaid costs.

8 “(h) All costs recovered under this section shall be considered a reimbursement
9 for costs incurred and shall be deposited in the fund of the board recovering the costs to
10 be available upon appropriation by the Legislature.

11 “(i) Nothing in this section shall preclude a board from including the recovery of
12 the costs of investigation and enforcement of a case in any stipulated settlement.

13 “(j) This section does not apply to any board if a specific statutory provision in
14 that board's licensing act provides for recovery of costs in an administrative disciplinary
15 proceeding.”

16 6. Section 14124.12 of the Welfare and Institutions Code states, in pertinent
17 part:

18 “(a) Upon receipt of written notice from the Medical Board of California, the
19 Osteopathic Medical Board of California, or the Board of Dental Examiners of California,
20 that a licensee's license has been placed on probation as a result of a disciplinary action,
21 the department may not reimburse any Medi-Cal claim for the type of surgical service or
22 invasive procedure that gave rise to the probation, including any dental surgery or
23 invasive procedure, that was performed by the licensee on or after the effective date of
24 probation and until the termination of all probationary terms and conditions or until the
25 probationary period has ended, whichever occurs first. This section shall apply except in
26 any case in which the relevant licensing board determines that compelling circumstances
27 warrant the continued reimbursement during the probationary period of any Medi-Cal
28 claim, including any claim for dental services, as so described. In such a case, the

1 department shall continue to reimburse the licensee for all procedures, except for those
2 invasive or surgical procedures for which the licensee was placed on probation.”

3 7. Section 2220 of the Code states:

4 “Except as otherwise provided by law, the Division of Medical Quality may take
5 action against all persons guilty of violating this chapter [Chapter 5, the Medical Practice
6 Act]. The division shall enforce and administer this article as to physician and surgeon
7 certificate holders, and the division shall have all the powers granted in this chapter for
8 these purposes including, but not limited to:

9 “(a) Investigating complaints from the public, from other licensees, from health
10 care facilities, or from a division of the board that a physician and surgeon may be guilty
11 of unprofessional conduct. The board shall investigate the circumstances underlying any
12 report received pursuant to Section 805 within 30 days to determine if an interim
13 suspension order or temporary restraining order should be issued. The board shall
14 otherwise provide timely disposition of the reports received pursuant to Section 805.

15 “(b) Investigating the circumstances of practice of any physician and surgeon
16 where there have been any judgments, settlements, or arbitration awards requiring the
17 physician and surgeon or his or her professional liability insurer to pay an amount in
18 damages in excess of a cumulative total of thirty thousand dollars (\$30,000) with respect
19 to any claim that injury or damage was proximately caused by the physician's and
20 surgeon's error, negligence, or omission.

21 “(c) Investigating the nature and causes of injuries from cases which shall be
22 reported of a high number of judgments, settlements, or arbitration awards against a
23 physician and surgeon.”

24 8. Section 2239 of the Code states:

25 “(a) The use or prescribing for or administering to himself or herself, of any
26 controlled substance; or the use of any of the dangerous drugs specified in Section 4022,
27 or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or
28 injurious to the licensee, or to any other person or to the public, or to the extent that such

1 use impairs the ability of the licensee to practice medicine safely or more than one
2 misdemeanor or any felony involving the use, consumption, or self-administration of any
3 of the substances referred to in this section, or any combination thereof, constitutes
4 unprofessional conduct. The record of the conviction is conclusive evidence of such
5 unprofessional conduct.

6 “(b) A plea or verdict of guilty or a conviction following a plea of nolo
7 contendere is deemed to be a conviction within the meaning of this section. The Division
8 of Medical Quality may order discipline of the licensee in accordance with Section 2227
9 or the Division of Licensing may order the denial of the license when the time for appeal
10 has elapsed or the judgment of conviction has been affirmed on appeal or when an order
11 granting probation is made suspending imposition of sentence, irrespective of a
12 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such
13 person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting
14 aside the verdict of guilty, or dismissing the accusation, complaint, information, or
15 indictment.”

16 9. Section 2242 of the Code states:

17 “(a) Prescribing, dispensing, or furnishing dangerous drugs as defined in Section
18 4022 without a good faith prior examination and medical indication therefor, constitutes
19 unprofessional conduct.

20 “(b) No licensee shall be found to have committed unprofessional conduct within
21 the meaning of this section if, at the time the drugs were prescribed, dispensed, or
22 furnished, any of the following applies:

23 “(1) The licensee was a designated physician and surgeon or podiatrist serving in
24 the absence of the patient's physician and surgeon or podiatrist, as the case may be, and if
25 the drugs were prescribed, dispensed, or furnished only as necessary to maintain the
26 patient until the return of his or her practitioner, but in any case no longer than 72 hours.

27 “(2) The licensee transmitted the order for the drugs to a registered nurse or to a
28 licensed vocational nurse in an inpatient facility, and if both of the following conditions

1 exist:

2 “(A) The practitioner had consulted with such registered nurse or licensed
3 vocational nurse who had reviewed the patient's records.

4 “(B) The practitioner was designated as the practitioner to serve in the absence of
5 the patient's physician and surgeon or podiatrist, as the case may be.

6 “(3) The licensee was a designated practitioner serving in the absence of the
7 patient's physician and surgeon or podiatrist, as the case may be, and was in possession of
8 or had utilized the patient's records and ordered the renewal of a medically indicated
9 prescription for an amount not exceeding the original prescription in strength or amount
10 or for more than one refilling.

11 “(4) The licensee was acting in accordance with Section 120582 of the Health
12 and Safety Code.”

13 10. Section 2261 of the Code states:

14 “Knowingly making or signing any certificate or other document directly or
15 indirectly related to the practice of medicine or podiatry which falsely represents the
16 existence or nonexistence of a state of facts, constitutes unprofessional conduct.”

17 11. Section 2238 of the Code states:

18 “A violation of any federal statute or federal regulation or any of the statutes or
19 regulations of this state regulating dangerous drugs or controlled substances constitutes
20 unprofessional conduct.”

21 12. Section 726 of the Code states:

22 “The commission of any act of sexual abuse, misconduct, or relations with a
23 patient, client, or customer constitutes unprofessional conduct and grounds for
24 disciplinary action for any person licensed under this division, under any initiative act
25 referred to in this division and under Chapter 17 (commencing with Section 9000) of
26 Division 3.

27 “This section shall not apply to sexual contact between a physician and surgeon
28 and his or her spouse or person in an equivalent domestic relationship when that

1 physician and surgeon provides medical treatment, other than psychotherapeutic
2 treatment, to his or her spouse or person in an equivalent domestic relationship.”

3 13. Health and Safety Code section 11153(a) provides that a prescription for a
4 controlled substance shall only be issued for a legitimate medical purpose by an individual
5 practitioner acting in the usual course of his or her professional practice.

6 14. Health and Safety Code section 11007 defines a “controlled substance” as
7 a drug, substance, or immediate precursor listed in any schedule in Health and Safety Code
8 sections 11054, 11055, 11056, 11057, or 11058.

9 15. Health and Safety Code section 11375(a) prohibits the possession of
10 hydrocodone (Vicodin) without a valid prescription.

11 16. Health and Safety Code section 11375(b) forbids the possession of
12 temazepam without a valid prescription.

13 17. Penal Code section 311.11 makes the possession of child pornography a
14 crime.

15 **FIRST CAUSE FOR DISCIPLINE**

16 (Sexual Exploitation of a Patient)

17 18. Respondent is subject to disciplinary action under section 729 in that
18 Respondent engaged in a sexual relationship with a patient or former patient after the physician-
19 patient relationship was terminated primarily for the purpose of engaging in the prohibited
20 relationship.

21 19. On or about April 4, 2004 the Medical Board received a complaint from
22 Patricia Tyler, M.D., Psychiatric Medical Director for the Napa County Health and Human
23 Services Agency. The complainant stated Dr. Gray, a physician employee of that county agency,
24 had engaged in an improper sexual relationship with a female whom Dr. Gray had been treating
25 for some years. The Medical Board initiated an investigation of the allegation. The investigation
26 produced the following facts:

27 20. Patient M.D. was 17 years old in December 1997 when she first saw Dr.
28 Gray as her treating psychiatrist at the Napa County Mental Health Clinic. Her psychiatric

1 treatment history dated from the age of ten. She had been hospitalized for narcotic
2 abuse/dependency and depression just before her first office visit with Dr. Gray. Dr. Gray's
3 chart entries for patient M.D. on that first visit note "severe emotional trauma at about the age of
4 10 resulting in extreme acting out behavior, heavy drug use, and promiscuity." Dr. Gray
5 prescribed various medication for M.D. including the stimulant Ritalin. To do so without careful
6 consideration and justification in light of her history of amphetamine abuse was an extreme
7 departure from the standard of care. Dr. Gray continued as M.D.'s treating psychiatrist until
8 January 29, 2001. Patient M.D. informed investigators that on that January 29th office visit Dr.
9 Gray told her he wanted to have a relationship with her and she should switch her care to Kaiser
10 so they could do so. Dr. Gray's chart entry for that visit reads:

11 "M---- came in today to request a statement documenting her
12 disability so that she could continue on Disability Insurance. I
13 informed her that she must now have her psychiatric tx at Kaiser
14 also. She is okay with this since she has been out of tx for 6
15 months now and not in need of medications anymore. She agreed
16 that if she needs help again, she will go to Kaiser psych."

17 Respondent did not refer her to an independent psychiatrist. According to patient
18 M.D. she and Dr. Gray engaged in sexual activity that night. The sexual relationship continued
19 until March or April of that year. M.D. thereafter experienced a serious relapse of her
20 psychiatric illness, becoming homeless for extended periods and requiring extended psychiatric
21 hospitalizations. Psychiatric conservatorship was ultimately necessary.

22 21. After the Director of Mental Health of Napa County Health and Human
23 Services Agency reported the incident, county law enforcement began an investigation. Napa
24 County Sheriff's Office investigators interviewed two other female patients of Dr. Gray, who
25 stated that Dr. Gray had initiated inappropriate social contact with them while they were his
26 patients. A non-patient female interviewed by those officers said Dr. Gray had given her the drug
27 Wellbutrin and a second, unidentified drug for "anxiety."

28 22. A search warrant executed on Dr. Gray's home in the course of the
criminal investigation yielded a prescription by Dr. Gray for the amphetamine Dexadrine in the
name of the woman reported to be Dr. Gray's girlfriend. Officers also found a bottle of Vicodin

1 bearing the name of another physician as prescriber and a patient not identified with Dr. Gray, an
2 unlabeled bottle of temazepam in a bag in the bedroom and a second bottle of temazepam with
3 no patient information in the kitchen.

4 23. Also pursuant to the search warrant, a Napa Sheriff's Office detective
5 conducted a forensic examination of the data stored in Dr. Gray's home computer. The detective,
6 then on assignment to the Northern California Computer Crimes Task force and a veteran of
7 more than one hundred cases involving child pornography, found more than twenty thousand
8 images of sexually-related activity, including several hundred images he believes violate the
9 child pornography laws by depicting nude females who appear to be under the age of 18 engaged
10 in explicit sexual acts.

11 24. On May 12, 2004 the Napa County District Attorney filed criminal charges
12 against Dr. Gray, Napa Superior Court case no. CR 117641, alleging the improper relationship
13 (Business and Professions Code section 729, a misdemeanor), possession of controlled substance
14 (Health and Safety Code section 11350(a), a felony), unlawful controlled substance prescription
15 (Health and Safety Code section 11153(a), a felony), possession of designated controlled
16 substance (Health and Safety Code section 11375(b)(2), a misdemeanor), and possession of child
17 pornography (Penal Code section 311.11(a), a misdemeanor). On July 19, 2005 Dr. Gray, with
18 concurrence of counsel, withdrew his not guilty plea and entered a no contest plea to violation of
19 Health and Safety Code section 11153(a)—Unlawful prescription of a controlled substance—a
20 felony, and to violation of Health and Safety Code section 11375(b)(2)—Unlawful Possession of a
21 Controlled Substance, a misdemeanor. The remaining criminal complaint allegations were
22 dismissed with a Harvey waiver stipulation. On August 16, 2005 the Napa County Superior
23 Court sentenced Dr. Gray on this conviction, granting a three year period of probation with the
24 standard terms and conditions of criminal probation, including 45 days in the work program, with
25 a minimum of 120 hours to be served on the work program and the balance to be completed by
26 community service, and pay restitution in the amount of \$10,000.00 to the victim, herein
27 identified as patient M.D.

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SECOND CAUSE FOR DISCIPLINE

(Improper Prescription of Controlled Substance)

25. The information set out in paragraphs 19 through 24 above are referenced and incorporated herein below as if set out in full. Respondent is subject to disciplinary action under section 2242 in that Respondent provided, as described above, controlled substances-the drug Welbutrin and a second, as yet unidentified drug for “anxiety” – to a non-patient in violation of section 2242, an act of unprofessional conduct.

THIRD CAUSE FOR DISCIPLINE

(Possession of Controlled Substance Without Valid Prescription)

26. The information set out in paragraphs 19 through 24 above are referenced and incorporated herein below as if set out in full. Respondent is subject to disciplinary action for violation of Business and Professions Code section 2238 and Health and Safety Code section 11350(a) in that he illicitly possessed hydrocodone.

FOURTH CAUSE FOR DISCIPLINE

(Possession of Controlled Substance Without Valid Prescription)

27. The information set out in paragraphs 19 through 24 above are referenced and incorporated herein below as if set out in full. Respondent is subject to disciplinary action for violation of Business and Professions Code section 2238 and Health and Safety Code section 11375(b) in that he illicitly possessed temazepam.

FIFTH CAUSE FOR DISCIPLINE

(False Medical Record)

28. The information set out in paragraphs 19 through 24 above are referenced and incorporated herein below as if set out in full. Respondent is subject to disciplinary action for violation of Business and Professions Code section 2261 in that, as described above, he knowingly made a false statement of fact in patient M.D.’s medical record while acting as her treating psychiatrist.

1 **SIXTH CAUSE FOR DISCIPLINE**

2 (Gross Negligence)

3 29. The information set out in paragraphs 19 through 24 above are referenced
4 and incorporated herein below as if set out in full. Respondent is subject to disciplinary action
5 for violation of Business and Professions Code section 2234(b) in that his prescribing of Ritalin
6 to patient M.D. without evident clinical consideration and justification of her history of
7 amphetamine abuse was an extreme departure from the standard of care.

8 **SEVENTH CAUSE FOR DISCIPLINE**

9 (Possession of Child Pornography)

10 30. The information set out in paragraphs 19 through 24 above are referenced
11 and incorporated herein below as if set out in full. Respondent is subject to disciplinary action
12 under section 2234 of the Business and Professions Code in that he possessed child pornography,
13 a misdemeanor as set out in Penal Code section 311.11.

14 **EIGHTH CAUSE FOR DISCIPLINE**

15 (Improper Prescription of Controlled Substance)

16 31. The information set out in paragraphs 19 through 24 above, inclusive, are
17 referenced and incorporated herein below as if set out in full. Respondent is subject to
18 disciplinary action under section 2234 of the Business and Professions Code in that he provided a
19 controlled substance—dextidine—to a non-patient in violation of section 2242, an act of
20 unprofessional conduct.

21 **NINTH CAUSE FOR DISCIPLINE**

22 (Drug related conviction)

23 32. The information set out in paragraphs 19 through 24 above, inclusive, are
24 referenced and incorporated herein below as if set out in full. Respondent is subject to
25 disciplinary action for unprofessional conduct under section 2237 of the Business and
26 Professions Code in that on or about August 16, 2005, in the Superior Court of Napa County, he
27 was convicted of violating California Health and Safety Code sections 11153(a), felony, and
28 11375(b)(2), a misdemeanor.


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Division of Medical Quality issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate G 56251, issued to Jeffrey T. Gray, M.D.;
2. Revoking, suspending or denying approval of Jeffrey T. Gray, M.D.'s authority to supervise physician's assistants, pursuant to section 3527 of the Code;
3. Ordering Jeffrey T. Gray, M.D., if placed on probation, to pay the Division of Medical Quality the costs of probation monitoring;
4. Taking such other and further action as deemed necessary and proper.

DATED: July 12, 2006


DAVID T. THORNTON
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

SF2004400545

40099772.wpd

DECLARATION OF PERSONAL SERVICE

Case Name: *In the Matter of the Accusation Against: JEFFREY T. GRAY*

Case No.: 122004-156729

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004.

On July 13, 2006, I served the attached **FIRST AMENDED ACCUSATION** by personally delivering a true copy thereof to the following person(s) ~~at the address(es)~~ as follows:

John T. Kennedy, Esq.
NOSSAMAN, GUTHNER, KNOX & ELLIOT, LLP
915 L Street, Suite 1000
Sacramento, CA 95814-3705
Attorney for Respondent Jeffrey Thomas Gray, M.D.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 13, 2006, at San Francisco, California.

David Carr
Declarant



Signature